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The right to food

Report by the Special Rapporteur on the right to food, Mr. Jean Ziegler, submitted in accordance with Commission on Human Rights resolution 2000/10

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Summary

The Commission on Human Rights, in its resolution 2000/10 of 17 April 2000, decided to appoint, for a period of three years, a special rapporteur on the right to food. The Special Rapporteur hereby submits his first report with the modest aim of presenting the Commission with a survey of the problems to be dealt with and a work schedule for the coming two years. The right to food is defined here as the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.

The Food and Agriculture Organization of the United Nations (FAO) estimates that 826 million people today are chronically and seriously undernourished, 34 million of whom live in the economically developed countries of the North. Most of the victims live in Asia - 515 million, or 24 per cent of the total population of the continent. However, if we look at the number of victims relative to the size of the population, sub-Saharan Africa is worst affected: there, 186 million women, men and children, or 34 per cent of the region's population, are permanently and seriously undernourished. Most of the victims suffer from what FAO calls "extreme hunger", with an average daily intake of 300 calories less than the minimum quantity for survival. The countries worst affected by extreme hunger are mostly in sub-Saharan Africa (18 countries), the Caribbean (Haiti) and Asia (Afghanistan, Bangladesh, the Democratic People's Republic of Korea, and Mongolia). Permanent and serious undernourishment and malnutrition cause early death and numerous diseases, which almost invariably entail serious disability: underdevelopment of brain cells in babies, blindness caused by vitamin A deficiency, etc. Chronic hunger and permanent, serious malnutrition can also be a hereditary curse: every year, tens of millions of seriously undernourished mothers give birth to tens of millions of seriously affected babies, referred to as "born crucified" by Régis Debray.

Action contre la Faim (Action against Hunger) (France) writes: "Many poor people around the world do not get enough to eat because food production is geared to cash payment." In many cases, the equation is simple: those who have money eat, and those without suffer from hunger and the ensuing disabilities and often die. Yet hunger and malnutrition are by no means dictated by fate or a curse of nature; they are manmade. To die of hunger is equivalent to being murdered, while chronic and serious undernourishment and persistent hunger are a violation of the fundamental right to life. This silent tragedy occurs daily in a world overflowing with riches. According to FAO, at the present stage of development of agricultural production, the Earth could feed 12 billion human beings properly, providing food equivalent to 2,700 calories a day for every individual. And yet there are only a little over 6 billion people currently living on the planet.

This report is structured as follows: first, it considers the definition of the right to food in legal terms, the origin of the right and recent developments. Next, it examines international instruments that refer to the right to food. It then discusses the question of what practical steps could be taken to encourage countries to introduce the right to food in their domestic legislation.

After that, it looks at some of the main economic and social problems that are holding up or preventing the realization of the right to food. The report ends with conclusions and recommendations.

As long ago as 1996, on the occasion of the World Food Summit organized by FAO, Kevin Watkins, of OXFAM wrote in The Guardian newspaper that "free trade will never feed the world - on the contrary". The Special Rapporteur identifies seven major economic obstacles that hinder or prevent the realization of the right to food:

(a) Problems linked to developments in world trade, particularly the agricultural policies of developed countries, as sanctioned by the World Trade Organization (WTO), which perpetuate malnutrition and hunger in the South;

(b) External-debt servicing and its impact on food security, including the structural adjustment programmes of the International Monetary Fund (IMF), which consistently aggravate undernourishment and malnutrition in debtor countries;

(c) Developments in biotechnology, including genetically modified plants, ownership of international patents by agribusinesses from the North and worldwide protection of those patents, hampering access to food and the availability of food;

(d) Wars and their destructive impact on food security;

(e) Corruption;

(f) Access to land and credit;

(g) Discrimination against women and its impact on the realization of the right to food.

Jean-Jacques Rousseau wrote: "In the relationship between the weak and the strong, it is liberty that oppresses and the law that liberates." It is in response to this principle that the Special Rapporteur proposes to cooperate closely with the Inter-Parliamentary Union and the national parliaments of the main countries concerned, in order to help promote domestic legislation on the right to food. He also proposes to establish a continuous working relationship with the main United Nations agencies and programmes in order to promote an approach to cooperation projects that is based on the right to food.

The Special Rapporteur recommends that the Commission confirm his mandate to respond to reliable information on violations of the right to food and, in particular, confirm that he is entitled to address urgent requests to Governments responsible for serious violations of the right to food. He recommends that the Commission make it clear that the term "food" covers not only solid foods but also the nutritional aspects of drinking water.

The Special Rapporteur believes that the right to food is of such theoretical and practical importance for the economic, social and cultural development of peoples and individuals that it should be the subject of a debate at the General Assembly of the United Nations.

Introduction

1. At its fifty-sixth session, the Commission on Human Rights adopted resolution 2000/10 of 17 April 2000, in which it decided, in order to respond fully to the necessity for an integrated and coordinated approach in the promotion and protection of the right to food, to appoint, for a period of three years, a special rapporteur on the right to food. It defined the Special Rapporteur's mandate as follows:

> "(a) To seek, receive and respond to information on all aspects of the realization of the right to food, including the urgent necessity of eradicating hunger;
>
> (b) To establish cooperation with Governments, intergovernmental organizations, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations, on the promotion and effective implementation of the right to food, and to make appropriate recommendations on the realization thereof, taking into consideration the work already done in this field throughout the United Nations system;
>
> (c) To identify emerging issues related to the right to food worldwide."

2. On 4 September 2000, the Commission appointed Mr. Jean Ziegler (Switzerland) as Special Rapporteur. According to his mandate, the Special Rapporteur had to submit an initial report at the fifty-seventh session of the Commission. For pressing technical reasons (translation, distribution, etc.), the Office of the United Nations High Commissioner for Human Rights set 10 December 2000 as the deadline for submission of the report, leaving only a few weeks for its preparation. As a result, the report contains no original research, but aims modestly at submitting for consideration by the Commission on Human Rights a survey of the problems to be dealt with and a work schedule for the coming two years.

3. In the view of the Commission, the right to food should be used as an instrument to deal with a totally unacceptable situation. According to FAO estimates, 826 million people today are chronically and seriously undernourished, 34 million of whom live in the economically developed countries of the North. Most of the victims live in Asia - 515 million, or 24 per cent of the total population of the continent. However, if we look at the number of victims relative to the size of the population, sub-Saharan Africa is worst affected: there, 186 million women, men and children, or 34 per cent of the region's population, are permanently and seriously undernourished. Most of the victims suffer from what FAO calls "extreme hunger", with an average daily intake of 300 calories less than the minimum quantity for survival. The countries worst affected by extreme hunger are mostly in sub-Saharan Africa (18 countries), the Caribbean (Haiti) and Asia (Afghanistan, Bangladesh, the Democratic People's Republic of Korea and Mongolia).[1]

4. Permanent and serious undernourishment and malnutrition cause early death and numerous diseases, which almost invariably entail serious disability: underdevelopment of brain cells in babies, blindness caused by vitamin A deficiency, etc.[2] Chronic hunger and permanent,

serious malnutrition can also be a hereditary curse: every year, tens of millions of seriously undernourished mothers give birth to tens of millions of seriously affected babies, referred to as "born crucified" by Régis Debray.[3]

5. Permanent, serious undernourishment and malnutrition prevent men and women from developing their full potential and becoming economically active, condemning them to a marginal social existence. They are decisive factors in the underdevelopment of many third world economies. This silent tragedy occurs daily in a world overflowing with riches. According to FAO, at the present stage of development of agricultural production, the Earth could feed 12 billion human beings properly, providing food equivalent to 2,700 calories a day for every individual. And yet, although there are only a little over 6 billion people in the world, every year 826 million people suffer from serious, chronic food deprivation.[4]

6. Action against Hunger (France) writes: "Many poor people around the world do not get enough to eat because food production is geared to cash payment."[5] In many cases, the equation is simple: those who have money eat, and those without suffer from hunger and ensuing disabilities and often die. Yet hunger and malnutrition are by no means dictated by fate or a curse of nature; they are manmade. To die of hunger is equivalent to being murdered, while chronic and serious undernourishment and persistent hunger are a violation of the fundamental right to life.

7. On average, 62 million people die each year, of whom probably 36 million (58 per cent) directly or indirectly as a result of nutritional deficiencies, infections, epidemics or diseases which attack the body when its resistance and immunity have been weakened by undernourishment and hunger. With regard to the extreme poverty that is rife in the world, the United Nations Development Programme (UNDP) estimates that at least 1.2 billion human beings are forced to live on an income of less than US$ 1 a day.[6]

8. Despite the clear definition by FAO of the area of reality addressed by the right to food, a dimension of human suffering is missing from the above description: the unbearable, nagging dread that tortures starving persons from the moment they wake up. How, during the day that lies ahead, will they be able to feed their family, provide nourishment for their children, and feed themselves? This dread may be even more terrible than the physical suffering and the many aches and diseases that strike an undernourished body.

9. From the beginning of September to mid-December, the Special Rapporteur set himself three tasks:

(a) First, to familiarize himself with the extensive literature on economic, social and cultural rights in general and the right to food in particular;

(b) Next, to begin as quickly as possible to implement paragraph 11 (b) of resolution 2000/10, that is, to establish cooperation with the main intergovernmental organizations, especially FAO, and the main non-governmental organizations (NGOs), undertaking trips to Rome, Berlin, Berne, Algiers and Paris for this purpose;

(c) Finally, to study a number of NGO reports condemning violations of the right to food by States.

10. This is not the place for an exhaustive list of the contacts already made. Thanks to the warm welcome he was given by the Director-General of FAO, the Special Rapporteur was able, in just a few days, to meet the top officials of that organization and those in charge of the World Food Programme (WFP), as well as the President and Vice-President of the International Fund for Agricultural Development (IFAD). The Special Rapporteur held his first talks with top officials from the International Labour Organization (ILO), WTO, the United Nations Conference on Trade and Development (UNCTAD), UNDP, the IMF, the World Bank and the International Committee of the Red Cross (ICRC), as well as the international secretariat of the 1994 United Nations Convention to Combat Desertification. He would at this point like to thank the High Commissioner for Human Rights and the Deputy High Commissioner, with whom he had an extremely useful talk.

11. Because of time constraints, the Special Rapporteur held exploratory talks only with the following NGOs: Action against Hunger (France), FoodFirst Information and Action Network (FIAN, Germany), the World Alliance for Nutrition and Human Rights (WANAHR, Norway, in the person of its representative in Rome), Antenna (Switzerland), the International Project on the Right to Food in Development (University of Oslo, Norway), the International Service for Human Rights (Switzerland) and the International Jacques Maritain Institute (Rome). It was FIAN, WANAHR and the International Jacques Maritain Institute that produced the excellent International Code of Conduct on the Human Right to Adequate Food (September 1997), which has since been countersigned by over 800 NGOs from around the world.[7]

12. Although this report is only by way of introduction, it cannot be restricted to a mere list of the legal problems arising from the realization of the right to food. It must also - albeit for the moment purely tentatively - take into account the macroeconomic conditions underlying the poor development of many societies in the South. From a methodological point of view, a study has to be made of the problems posed by the globalization of financial markets and the resulting weakening of the State's regulatory power. Moreover, the study of the macroeconomic conditions needed for the realization of the right to food falls within the terms of the mandate entrusted to the Special Rapporteur, who was also requested to "seek, receive and respond to information on all aspects of the realization of the right to food, including the urgent necessity of eradicating hunger" (resolution 2000/10, para. 11 (a)). Several NGOs sent the Special Rapporteur reports on specific cases, requesting his intervention; after studying them, the Special Rapporteur decided to submit some of them to the Governments concerned.

13. The report is structured as follows: first, it considers the definition of the right to food in legal terms, the origin of the right and recent developments. Next, it examines international instruments that refer to the right to food. It then discusses the question of what practical steps could be taken to encourage countries to introduce the right to food in their domestic legislation. After that, it looks at some of the main economic and social problems that are holding up or preventing the realization of the right to food. The report ends with conclusions and recommendations.

I. DEFINITION AND HISTORY OF THE RIGHT TO FOOD

14. How is the right to food defined? There are several answers to this question, with minor variations, including the definition derived from the International Covenant on Economic, Social and Cultural Rights ("the Covenant") and from General Comment No. 12 adopted in May 1999 by the Committee on Economic, Social and Cultural Rights, the body responsible for monitoring the implementation of the Covenant.[8] The definition used in the remainder of this report is as follows: the right to food is the right to have regular, permanent and free access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.

15. The corollary of the right to food is food security. This is the definition given in the first paragraph of the World Food Summit Plan of Action: "Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life." The parameters for food security vary with age: at birth, babies need 300 calories a day; between the ages of one and two, 1,000 calories a day; by the age of five, children need 1,600 calories a day. To maintain their strength every day, adults need between 2,000 and 2,700 calories, depending on where they live and what kind of work they do.[9]

16. A distinction should be drawn between two concepts: hunger or undernourishment on the one hand, and malnutrition on the other. Hunger or undernourishment refer to an insufficient supply or, at worst, a complete lack of calories. Malnutrition, on the other hand, is characterized by the lack or shortage, in food which otherwise provides sufficient calories, of micronutrients - chiefly vitamins (organic molecules) and minerals (inorganic molecules). These micronutrients are vital for the functioning of cells and especially of the nervous system. A child may be receiving sufficient calories but if it lacks micronutrients it will suffer from stunted growth, infections and other disabilities.[10] What the United Nations Children's Fund (UNICEF) calls "hidden hunger" is undernourishment and/or malnutrition between birth and the age of five, and it has disastrous effects: a child suffering from undernourishment and/or malnutrition in the first years of life will never recover. He cannot catch up later and will be disabled for life.[11]

17. The concept of the right to food is made up of different components. The first of these is the notion of adequate food, as set forth in article 11, paragraphs 1 and 2, of the Covenant. In its General Comment No. 12, the Committee on Economic, Social and Cultural Rights gives the following definition:

> "The right to adequate food is realized when every man, woman and child, alone or in community with others, [has] physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively. However, States have a core obligation to take the necessary action to mitigate and alleviate hunger ... even in times of natural or other disasters." (HRI/GEN/1/Rev.4, p. 58, para. 6).

18. Two other components of the concept of the right to food are the notions of adequacy and sustainability:

> "The concept of adequacy ... serves to underline a number of factors which must be taken into account in determining whether particular foods or diets that are accessible can be considered the most appropriate under given circumstances ... The notion of sustainability is intrinsically linked to the notion of adequate food or food security, implying food being accessible for both present and future generations. The precise meaning of 'adequacy' is to a large extent determined by prevailing social, economic, cultural, climatic, ecological and other conditions, while 'sustainability' incorporates the notion of long-term availability and accessibility" (ibid., para. 7).

19. A further component is the notion of a diet:

> "Dietary needs implies that the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation" (ibid., p. 59, para. 9).

20. According to the definition of the concept of the right to food, everyone has the right to food corresponding to their own particular culture:

> "Cultural or consumer acceptability implies the need also to take into account ... perceived non-nutrient-based values attached to food and food consumption and informed consumer concerns regarding the nature of accessible food supplies" (ibid., p. 59, para. 11).

21. Lastly, there is the component of accessibility:

> "Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food and is a measure of the extent to which it is satisfactory for the enjoyment of the right to food" (ibid., para. 13).

22. In the history of ideas, two things are vital: the truth of a concept and its timing. How can the truth of a concept be defined? A concept is the intelligible unity of a perceptible plurality. The truth of a concept may therefore be measured by its greatest and best possible appropriateness to its subject. The problem of the "right time", on the other hand, is more complicated.

23. Kairos is a keyword in classical Greek philosophy. It means the "right time", the propitious moment when an idea - a proposition - is liable to be accepted by the collective

consciousness. There is an unexplained mystery in the history of ideas: an idea may be right and true for generations, sometimes centuries, without impinging on public debate or taking shape in a social movement, in other words in the collective consciousness. The idea remains unacceptable until that mysterious moment the Greeks call kairos.[12]

24. As far as the right to food is concerned, the "right time" came in November 1996 in Rome, at the World Food Summit organized by FAO. However, the right to food has been considered a human right since 1948, when it appeared in paragraph 1 of article 25 of the Universal Declaration of Human Rights in these terms:

> "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

The Universal Declaration dates from 1948; the World Food Summit from 1996. So it took almost half a century to produce the first coherent plan of action intended to make the right to food a reality. A similar case is that of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, which dates from 1948, while the Rome Statute of the International Criminal Court responsible for enforcing it was adopted only in 1998.

25. On 13 November 1996, the World Food Summit adopted the Rome Declaration on World Food Security, in which those attending the Summit undertook to implement, monitor and follow up the Summit Plan of Action at all levels, in cooperation with the international community (Commitment Seven). To this end, the following five objectives were defined:

> "Objective 7.1: To adopt actions within each country's national framework to enhance food security and enable the implementation of the commitments of the World Food Summit Plan of Action."
>
> "Objective 7.2: To improve subregional, regional and international cooperation and to mobilize, and optimize the use of, available resources to support national efforts for the earliest possible achievement of sustainable world food security."
>
> "Objective 7.3: To monitor actively the implementation of the World Food Summit Plan of Action."
>
> "Objective 7.4: To clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger, as stated in the International Covenant on Economic, Social and Cultural Rights and other relevant international and regional instruments, and to give particular attention to implementation and full and progressive realization of this right as a means of achieving food security for all."

> "Objective 7.5: To share responsibilities in achieving food security for all so that implementation of the World Food Summit Plan of Action takes place at the lowest possible level at which its purpose could be best achieved."

The new Summit convened to consider and assess the progress made will be held in Rome in November 2001.

26. All human beings, regardless of their sex, age, social status and ethnic or religious origin, have the right to food. The existence of this right gives rise to obligations for States. Asbjørn Eide, in his outstanding report on the right to adequate food,[13] sets out three main obligations that can be paraphrased as follows: to respect, protect and fulfil the right to food.

Respect

27. A State that respects the right to food of the people living in its territory should ensure that every individual has permanent access at all times to sufficient and adequate food, and should refrain from taking measures liable to deprive anyone of such access. An example of a practice that violates this right is when a Government at war with part of its own population deprives the part of the population it sees as "hostile" of access to food. Another example of non-observance of the right to food by a Government, described by the Special Rapporteur on the situation of human rights in the Sudan, is the tragedy of Bar-el-Ghazal, where tens of thousands of people died of starvation in 1998. Muraheleen militia supported by the Government in Khartoum pursued a counter-insurgency strategy characterized (according to the Special Rapporteur) by the following human rights violations: looting of grain, abduction of women and children as spoils of war, burning of crops and homes, killing of civilians and cattle-rustling. The Special Rapporteur backs the conclusions of an NGO working in the region that "but for these human rights abuses, there would have been no famine in the Sudan in 1998" (E/CN.4/1999/38/Add.1, paras. 49 and 50). The case cited is a clear violation of the obligation to respect the right to food.

Protection

28. The second obligation that States must meet is to protect the right to food. Under this obligation, they must ensure that individuals and companies do not deprive people of permanent access to adequate and sufficient food. The Permanent Representative of Algeria to the United Nations Office at Geneva, and Chairman of the Working Group on the Right to Development, maintains that the right to food is what might be termed a "matrix" right, that is, it is a "matrix" for other rights such as the right to development.[14] In most cases, access to food is a question of affordability, and therefore income. This second obligation imposes a number of duties on the State, such as the duty to promote production, redistributive taxation and social security or to combat corruption.

29. The question of agrarian reform is particularly important in this respect. Several social movements around the world are currently campaigning to force their Governments to fulfil this second obligation. One of them is the Landless Rural Workers' Movement (MST) in Brazil, a country where 1 per cent of landowners own 46 per cent of all farmland and where 4.5 million peasant families have no land at all. According to the Secretary-General

of UNCTAD, Mr. Rubens Ricupero, there has been no proper agrarian reform in Brazil since Portuguese colonization in the sixteenth century.[15] MST, which was founded in 1984, peacefully reclaims and occupies arable lands that are not being farmed. Since 1984, it has reclaimed over 8 million hectares of uncultivated lands and settled more than 300,000 people there. Its production and marketing cooperatives are independent and provide schooling for children and adults, employing 1,000 teachers. MST is campaigning to persuade the Brazilian Government to "protect" the right to food.[16]

Fulfilment

30. The State's third obligation is to "fulfil" the right to food. General Comment No. 12 summarizes this obligation as follows:

> "... whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) [the right to food] directly" (HRI/GEN/1/Rev.4, p. 60, para. 15).

An appeal by a State for international humanitarian aid, when it is itself unable to guarantee the population's right to food, comes under this third obligation. States which, through neglect or misplaced national pride, make no such appeal or deliberately delay in making it (as in the case of Ethiopia under the dictatorship of Haile Menguistu in the early 1980s) are violating this obligation. To take another example, a terrible famine was ravaging the Democratic People's Republic of Korea in the early 1990s: WFP and several NGOs made a massive effort there, especially after 1995, but it gradually became clear that most of the international aid was being diverted by the army, the secret services and the Government. The NGO Action against Hunger stopped its aid at that point because of "lack of access to the victims of hunger".[17]

31. The three obligations placed on States by virtue of the existence of the right to food also apply to intergovernmental organizations, particularly the United Nations. There can be little doubt that the Security Council, in subjecting the Iraqi people to a harsh economic embargo since 1991, is in clear violation of its obligation to respect the right to food of people in Iraq. This is the opinion of, among others, Denis Halliday, a former Assistant Secretary-General of the United Nations and former Humanitarian Coordinator for Iraq,[18] and of Mr. Marc Bossuyt, in his working paper on the adverse consequences of economic sanctions on the enjoyment of human rights, submitted to the Sub-Commission on the Promotion and Protection of Human Rights in 2000 (E/CN.4/Sub.2/2000/33, paras. 59-73).

32. It is reasonable to believe that the right to food includes not only the right to solid food, but also the right to liquid nourishment and to drinking water. Moreover, the term "food" is not defined in a restrictive sense anywhere in the texts cited (resolutions, treaties, etc.). Could it really refer only to solid food? Should "food" then also include liquid or semi-liquid nourishment and so on? The question is absurd anyway. It is obvious that the right to food must include the consubstantial right to drinking water.

33. Like solid food, drinking water is in short supply for hundreds of millions of people in the world. To quote a few statistics: over a billion people in the world are not connected to a modern water supply system; some 2.4 billion people do not have acceptable sanitation

arrangements; 4 billion cases of diarrhoea are recorded every year in the world, 2.2 million of which are fatal, mostly in the case of children. Richard Jolly, Chairman of the Water Supply and Sanitation Collaborative Council (WSSCC), has estimated the cost of providing every person with access to drinking water that meets public health requirements by the year 2015 at US$ 10 billion a year; this is equivalent to the amount spent on ice creams every year by Europeans or the amount people in the United States spend on feeding their pets.[19]

34. The Commission on Human Rights does not give a restrictive definition of the term "food" anywhere in its resolution 2000/10, including paragraph 11. As it did not provide its own definition, we must assume the term is used in its ordinary meaning, which does not distinguish clearly between solid, liquid, semi-solid and semi-liquid foods. As the Sub-Commission has just recommended the appointment of a special rapporteur on the right to drinking water and sanitation,[20] it should extend the mandate of the Special Rapporteur on the right to food to the nutritional aspects of drinking water.

II. INTERNATIONAL INSTRUMENTS

35. The Special Rapporteur's mandate specifically calls on him to take into consideration the work already done in the field of the right to food throughout the United Nations system (para. 11 (b)). A quick analysis of the origin of the norm is therefore needed. The right to food has essentially been developed as a treaty right; it is embodied mainly in the two International Covenants and has been refined by the often subtle and creative work of the committees set up by States to monitor the implementation of the Covenants. However, other international and regional instruments are also relevant to our analysis.

A. International humanitarian law

36. International humanitarian law preceded the Covenants. It is fascinating to watch the birth of a new and original norm in the collective consciousness of nations. The ICRC was the first organization to systematically defend and develop the concept of humanitarian law: founded in the aftermath of the Battle of Solferino in 1859, it is today the promoter and guardian of this law. From a theoretical point of view, mention should also be made of the crucial role played by Fedor Fedorovich Martens, a philosopher of law and the Russian Government's legal expert at the International Peace Conference held in The Hague in 1899, and his assistant, Andre Mandelstam. Their theory was as follows: humanitarian law has its roots in "consciousness of the world", also called "public consciousness" or, more specifically, "consciousness of identity", as defined by Ludwig Feuerbach, the German philosopher who wrote:

> "Consciousness in its strictest sense exists only for a being that has as its object its own species and its own essence. To be endowed with consciousness is to be endowed with science (and so with law). Science is the consciousness of species. However, only a being that has as its object its own species, its own essence, is able to take as its object, in their essential meanings, things and beings other than itself."[21]

Consciousness of identity is the foundation of humanitarian law. The first Geneva Convention of 1864, put forward for signature by Henry Dunant, was based on the following principle: the

life of a wounded man must be saved; he is your adversary but he is also your fellow-man, he is like you; prisoners must be given food and water. The "consciousness of the world", which comes from the spontaneous perception of the identity of all beings, requires it.[22]

37. The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), stipulates, in article 14:

> "Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works."

38. The core of international humanitarian law is contained in the four Geneva Conventions of 1949 and the two additional Protocols of 1977. The same basic principles govern all these instruments: military operations may only be carried out against military targets; the forced displacement of populations, which is a major cause of famine, is prohibited; and the vital needs of the civilian population - including food, obviously - must be met in all circumstances.

B. The United Nations

39. The development of the right to food should now be considered through an analysis of various instruments adopted within the framework of the United Nations.

1. International Covenant on Economic, Social and Cultural Rights

40. This international instrument, which has been ratified by 142 States, deals with the right to food more comprehensively than any other treaty. In article 11, paragraph 1, States parties recognize "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions". In paragraph 2 of the same article, they recognize that measures may be needed to guarantee "the fundamental right of everyone to be free from hunger". States parties shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:

> "(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of resources;
>
> (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need."

41. As pointed out in its General Comment No. 12 by the Committee on Economic, Social and Cultural Rights, the body responsible for monitoring implementation of the Covenant,

"The human right to adequate food is of crucial importance for the enjoyment of all rights. It applies to everyone ..." (HRI/GEN/1/Rev.4, p. 57, para. 1). So the words "for himself and his family" in article 11, paragraph 1, do not imply limitations on the applicability of this right in the case of individuals or in the case of households headed by a woman.

42. Article 1 of the International Covenant on Economic, Social and Cultural Rights sets forth the right of peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development. For this purpose, "All peoples may ... freely dispose of their natural wealth and resources" and, consequently, "In no case may a people be deprived of its own means of subsistence (para. 2)."[23]

2. International Covenant on Civil and Political Rights

43. The right to life is enshrined in article 6 of this Covenant, which has been ratified by 145 States. The Human Rights Committee, the body responsible for monitoring implementation of the Covenant, insists that this right should not be interpreted in a restrictive way. On the contrary, the required protection of the right to life obliges States parties to take positive steps in at least two areas, which go much further than the "individual" dimension of the right. In its General Comment No. 6 on article 6, the Committee considers that "States have the supreme duty to prevent wars, acts of genocide and other acts of mass violence causing arbitrary loss of life" (HRI/GEN/1/Rev.4, p. 85, para. 2). States parties are required to take positive steps "to reduce infant mortality and to increase life expectancy, especially in adopting measures to eliminate malnutrition and epidemics" (ibid., p. 86, para. 5).

3. Universal Declaration on the Eradication of Hunger and Malnutrition

44. The first World Food Conference was held in Rome in November 1974; on 16 November, it adopted a declaration,[24] in which it solemnly declared that:

> "1. Every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. Society today already possesses sufficient resources, organizational ability and technology and hence the competence to achieve this objective. Accordingly, the eradication of hunger is a common objective of all the countries of the international community, especially of the developed countries and others in a position to help."

45. The Declaration goes on to say that it is a fundamental responsibility of Governments "to work together for higher food production and a more equitable and efficient distribution of food between countries and within countries" (para. 2). Moreover, priority should be given to attacking "chronic malnutrition and deficiency diseases among the vulnerable and lower income groups" (para. 2). In sum, "As it is the common responsibility of the entire international community to ensure the availability at all times of adequate world supplies of basic food-stuffs by way of appropriate reserves, including emergency reserves, all countries should cooperate in the establishment of an effective system of world food security ..." (para. 12).

4. Thematic instruments

46. With regard to treaty-based and thematic international law, attention is drawn to:

(a) The prohibition of racial discrimination in the enjoyment of, inter alia, economic, social and cultural rights;[25]

(b) The prohibition of discrimination against women in the enjoyment of these rights;[26]

(c) The prohibition of acts of genocide by "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part";[27]

(d) The prohibition of crimes of apartheid "committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them", including by the "deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part" or by taking any "legislative measures and other measures calculated to prevent a racial group or groups from participation in the ... economic ... life of the country and the deliberate creation of conditions preventing the full development of such a group or groups ...".[28]

5. Convention on the Rights of the Child

47. In implementing this instrument, which has been ratified by no less than 191 States, States parties must:

(a) Take appropriate measures to combat disease and malnutrition, including through the provision of nutritious foods and drinking water (art. 24 (2) (c));

(b) Ensure that parents and children are informed about child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation (art. 24 (2) (e));

(c) Recognize the right of every child to a standard of living adequate for the child's physical development (art. 27 (1)) by providing material assistance with regard to nutrition (art. 27 (3));

(d) Secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child (art. 27 (4)); and

(e) Protect the child from economic exploitation and from performing any work that is likely to be hazardous or interfere with the child's education, or to be harmful to the child's health or development (art. 32 (1)).

6. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

48. This instrument was adopted in 1990 but has not yet entered into force as it has been ratified by only 10 States. It recognizes equal treatment for nationals and migrant workers and their families with regard to the enjoyment of economic, social and cultural rights; in particular, it establishes the right of migrant workers to "transfer their earnings and savings, in particular those funds necessary for the support of their families, from the State of employment to their State of origin or any other State" (art. 47 (1)).

7. ILO Conventions

49. Several conventions indirectly protect the right to adequate food, in that they provide a system for minimum wages,[29] social security and welfare,[30] the banning of forced labour,[31] the rights of indigenous peoples[32] and the minimum age at which children can enter employment.[33]

C. Regional treaty law

50. Alongside international treaty law, developed chiefly within the framework of the United Nations, there is also regional treaty law. Attention is drawn here to two instruments. The first is the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (the "Protocol of San Salvador") of 1988, which has been ratified by 11 States. Article 12 of the Protocol stipulates that: "Everyone has the right to adequate nutrition which guarantees the possibility of enjoying the highest level of physical, emotional and intellectual development". The second instrument is the European Social Charter, as revised in 1996. In article 4 (1), the Charter recognizes "the right of workers to a remuneration such as will give them and their families a decent standard of living".

51. To sum up chapter II, it may be said that the right to adequate food is a human right recognized in general terms in the framework of both universal and regional international treaty law. Sometimes it is encompassed by the more generic right to an adequate standard of living. Expressed more indirectly, it becomes the right "to be free from hunger", a right that should be enjoyed at all times. At a collective level, the right of peoples to self-determination and to free use of their own natural resources, and international support by rich countries for the poorest countries are equally essential for the realization of the right to food.[34]

III. DOMESTIC LEGISLATION

52. Twenty States in the world have Constitutions which, more or less explicitly and in more or less detail, refer to the right to food or a related norm.[35] One of the most explicit norms is the one contained in the Cuban Constitution, which stipulates in its article 8: " ... by the power of the people and by the will of the people ... no child shall be deprived of schooling, food or housing." No State, however, has yet passed consistent domestic laws ensuring effective protection of the right to food for its population, and especially the most vulnerable groups, such as women, children and ethnic minorities.

53. What does effective protection of the individual and collective right to food by domestic law mean? The Committee on Economic, Social and Cultural Rights gives an answer in its General Comment No. 12, in the following terms: "States should consider the adoption of a framework law as a major instrument in the implementation of the national strategy concerning the right to food. The framework law should include provisions on its purpose; the targets or goals to be achieved and the time-frame to be set for the achievement of those targets; the means by which the purpose could be achieved described in broad terms, in particular the intended collaboration with civil society and the private sector and with international organizations; institutional responsibility for the process; and the national mechanisms for its monitoring, as well as possible recourse procedures. In developing the benchmarks and framework legislation, States parties should actively involve civil society organizations." (HRI/GEN/1/Rev.4, pp. 62-63, para. 29.)

54. Every right must give rise to a remedy. The right to food, to be effective, is no exception. As stated again in General Comment No. 12:

> "Any person or group who is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies at both national and international levels. All victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition ...
>
> The incorporation in the domestic legal order of international instruments recognizing the right to food, or recognition of their applicability, can significantly enhance the scope and effectiveness of remedial measures and should be encouraged in all cases. Courts would then be empowered to adjudicate violations of the core content of the right to food by direct reference to obligations under the Covenant.
>
> Judges and other members of the legal profession are invited to pay greater attention to violations of the right to food in the exercise of their functions.
>
> States parties should respect and protect the work of human rights advocates and other members of civil society who assist vulnerable groups in the realization of their right to adequate food." (Ibid., p. 63, paras. 32-35).

55. One component of the Special Rapporteur's mandate concerns assisting the drafting of domestic legislation on the right to food. How should the Special Rapporteur go about this? Several approaches are possible, none of which exclude the others.

56. National conferences appear to be a useful way for Governments to set the scene for preparing national action plans to combat hunger. An example of this approach was provided recently by the People's Democratic Republic of Algeria. From 28 to 30 October 2000, the Algerian Government organized the first National Conference to Combat Poverty and Exclusion, under the direction of the President of the Republic. All the United Nations agencies and main international NGOs represented in Algeria (and in the Maghreb in general) took part in the

conference, both in its preparation and in its workshops and plenary meetings. All ministers, most deputies and senators, a great many high officials, especially the departmental prefects - the Walis - and their main assistants, as well as many representatives of civil society took an active part in the debates. The conference provided an opportunity to draw up a realistic picture of the social situation and hence also the situation regarding food in Algeria. Conferences such as these may be considered a useful preliminary to any parliamentary debate on domestic legislation concerning the right to food. No parliament is effective unless it is supported by active, well-informed public opinion.

57. Many Governments have a natural tendency towards apathy or worse still disguise and lack of transparency. No Government in the world ever likes to admit publicly to the food problems, supply difficulties, or diseases and deficiencies that affect part of its population. The public authorities have to show determination and courage to convene a national conference. In October 2000, the Algerian Government showed such courage by adopting a national plan of action to combat poverty and exclusion.

58. The Commission on Human Rights could be described as the moral conscience of the United Nations system. In its resolution 2000/10, it requests the Special Rapporteur to deal with "the realization of the right to food". The Special Rapporteur has received information from a number of NGOs reporting particularly blatant cases of violations of the right to food in several countries. After studying these reports, he requested further details and clarifications. He then wrote to the Governments concerned, drawing their attention to the allegations made against them and requesting substantiated replies. The allegations concerned Honduras, Myanmar and Palestine in particular. The Special Rapporteur will be able to report to the Commission once he has received replies from the Governments concerned.

59. Over the next two years, the Special Rapporteur would like to be invited by those Governments to visit their countries in order to assist the authorities, institutions and social partners to promote domestic legislation and national action plans in favour of the right to food.

60. What is meant exactly by domestic legislation? General Comment No. 12 refers to the expression "framework law" (see paragraph 52 above). The Special Rapporteur believes it would be more realistic to adopt a different approach. Economic, social, cultural and hence nutritional situations tend to be extremely varied and change from one country to another. Trying to adopt a framework law would certainly run into almost insurmountable obstacles. There would be the risk of a framework law falling, either alternately or simultaneously, into several temptations: either it might fail to apprehend or to settle the problems experienced by people in their everyday lives or it might promulgate legislative solutions which are ill-adapted to real social experience, or else it might impose standards which the State would be practically incapable of enforcing.

61. Much more effective than passing a framework law would be the following approach: the Special Rapporteur would help Governments, institutions and social partners identify social situations, customs and government strategies which prevent the full realization of the right to food. In a predominately rural country, the main obstacle might be its system of unequal land

rights; in another case, it might be the very low income of part of the population (which might be remedied by redistributive taxation and subsidies for basic foods), etc. Depending on the type of social situation he encountered, the Special Rapporteur might then advocate selected legislative solutions, especially with a view to eliminating economic, social and cultural obstacles in each case to realization of the right to food.

62. The Special Rapporteur will nevertheless try to supply national and regional parliaments with a suitable handbook outlining basic, unchanging legislative procedures (such as matters relating to competent jurisdiction, appeals, etc.) that need to be considered in relation to the right to food. This handbook would be designed along the lines of the practical and very didactic Handbook for Parliamentarians on the general principles of and respect for international humanitarian law, jointly published by the International Committee of the Red Cross (ICRC) and the Inter-Parliamentary Union.[36]

63. In Geneva, the Special Rapporteur met the Secretary-General of the Inter-Parliamentary Union (IPU). The IPU, which was founded in 1889, is not only one of the oldest intergovernmental organizations in the world but also one of the most dynamic and most efficient. Since its 104th Inter-Parliamentary Conference (Jakarta, 2000), it has comprised 140 national parliaments and five associated regional parliamentary organizations. The IPU has signed cooperation agreements with practically all the leading United Nations agencies, and with the Office of the High Commissioner for Human Rights. Its prime objective is to strengthen democratic institutions and to promote democratic principles in national political systems.[37]

64. Parliaments act through normative action and the exchange of information. The IPU provides a great deal of very competent international assistance to parliamentarians. Many of its activities have a didactic purpose and take place on several levels. The Inter-Parliamentary Conference, which meets twice a year, is attended by some 700 parliamentarians and constitutes the IPU's main organ of political expression. Meetings of women parliamentarians chiefly discuss the drafting and implementation of laws to combat social, economic and cultural discrimination against women.

65. The IPU's technical cooperation programme, its working meetings, either in Geneva or at the national headquarters of member Parliaments, and the training courses organized by the IPU for Presidents, women parliamentarians, Secretaries-General, parliamentary assistants and deputies, would be an ideal setting to promote domestic legislation on the right to food as envisaged in General Comment No. 12. Subject to the Commission's approval, the IPU and the Special Rapporteur could draw up a specific programme for 2001-2002; the Special Rapporteur would then have the opportunity to promote the right to food at all meetings, international and national seminars or technical assistance projects organized by the IPU for national and international parliamentarians.

66. In his task of assisting domestic legislation and national action plans, the Special Rapporteur will call on the specialized agencies, especially FAO. In the fulfilment of his mandate, the cooperation of civil society (through social movements, NGOs, trade unions, political parties, churches, humanitarian organizations, universities, etc.) will also be essential.

IV. ECONOMIC AND SOCIAL OBSTACLES

67. A kind of epistemological breakthrough has occurred recently in the views held concerning the right to food by some of the major NGOs. Instead of merely planning and implementing bilateral or multilateral aid projects for food security and the realization of the right to food, some of them are now suggesting that there is an urgent need to change the "framework conditions" of development. This involvement of NGOs in efforts to change the macroeconomic conditions of development constitutes an event of the greatest theoretical and practical importance.

68. Here are some examples:

(a) The report on the First International Encounter on the Right to Food and Nutrition (Oslo, 18-21 June 2000) draws this conclusion: The implementation of the recommendations of the Economic and Social Council, especially those concerning the right to food, depend primarily on the existence of a strong State, having the necessary resources.[38] In other words, the globalization of financial markets and the almost total liberalization of trade (of goods, patents, services, etc.) seriously weaken States and constitute an immediate danger for the ushering in and realization of the right to food;

(b) In its review Entwicklung, the FoodFirst Information and Action Network (FIAN) is severe in its criticism: "The goal of traditional aid for projects, particularly those intended to establish food security, was never to bring about macroeconomic changes [...]. It is an illusion to think that economic and social progress can be achieved in an isolated sector [...]. The great failure of traditional development cooperation was due to the fact that not enough importance was given to politically imposed conditions."[39] (Translated.);

(c) In October 2000, Action against Hunger for the third time published its book Géopolitique de la faim, which is altogether remarkable for its theoretical perspicacity.[40] For the first time, the empirical analysis of the main countries where the organization has been working is preceded by a long theoretical preamble entitled "Ensuring the protection of populations, a dilemma for humanitarian work". This introduction exactly reflects the same epistemological breakthrough as the aforementioned analyses made by the Oslo meeting and the FIAN, namely the realization that combating the wild globalization of markets and the gradual disappearance of State governance is a precondition for restoring collective security mechanisms. According to Action against Hunger, it is States - that is enfeebled States - that are to blame for the United Nations "tragic shortage of means to fulfil its mission";[41]

All three of these organizations assert a basic truth: unless the macroeconomic conditions that determine the poor state of development of societies in the southern hemisphere are viewed critically, any discussion regarding the measures needed to guarantee the right to food will remain purely academic.

69. Which, then, are the main macroeconomic obstacles that hinder or prevent the realization of the right to food, in the practice of States and intergovernmental organizations? The Special Rapporteur has identified seven major problem areas which directly affect the realization of the

right to food. In relation to States, these problems are either exogenous in origin, or endogenous. As he is only beginning his mandate, the Rapporteur, for the time being, will restrict himself to a simple list; this is not an analysis of the problems, but a simple inventory:

(a) Problems linked to developments in world trade;

(b) External debt servicing and its impact on food security;

(c) Developments in biotechnology and their impact on access to food and its availability and security;

(d) Wars and their destructive impact on food security;

(e) Corruption;

(f) Access to land and credit;

(g) Discrimination against women and its impact on the realization of the right to food.

70. The impact of international trade on the food situation of poor countries is both complex and contradictory. It is generally considered that while self-sufficiency in food is not necessary for developed countries - since they have sufficient means to buy what they need on world markets - but it is nevertheless desirable for poor countries. Total agricultural subsidies in OECD countries (i.e. the wealthy countries) amounted to US$ 335 billion in 1998, while US$ 251 billion was paid over to producers.[42] These subsidies are due to increase still further in 2000. Their impact is twofold: they encourage self-sufficiency but at the same time provide public support for exports. The resulting lower prices of food on the world market have contradictory effects for third world countries: while it allows them to import the missing food supplies more cheaply, it also discourages domestic production. Another problem is the persistence of protectionist agricultural policies on the part of northern countries, which hamper access to northern markets for southern produce. For all these reasons, there is an urgent need to take a critical look at the implications of international trade (and particularly at the policy of the WTO and structural adjustment programmes) for the right to food.

71. The Special Rapporteur believes that special attention should be paid to the problem of debt servicing for poor countries. As was recognized in the final declarations of the 1996 World Food Summit and by the current Jubilee 2000 campaign - a broad international coalition aimed at eliminating the debt of the poorest third world countries - the crushing debt burden directly affects the realization of the right to food.[43] In the mid-1980s, the President of Tanzania, Julius Nyerere, summed up the situation in these words: "Should we really let our children starve so that we can pay our debts?"[44]

72. According to the Jubilee 2000 campaign, the debt of the 41 most indebted countries totals US$ 206 billion, which is equivalent to 124 per cent of the gross national product of the countries concerned. These countries spend much more on servicing their debt than on their social services. Most of them devote more than 20 per cent of their budget each year to debt

servicing.[45] Since 1990, gross domestic product growth for the 48 poorest countries in the world has been less than 1 per cent per annum, which prevents any growth in household savings. The United Nations Conference on Trade and Development (UNCTAD)[46] reckons that public aid, in real per capita value, given by the rich countries to the 48 poorest countries fell by 45 per cent between 1990 and 2000. In the same period, the influx of private long-term foreign capital per capita in real terms fell by 30 per cent. In addition, the structural adjustment plans imposed by the IMF and regional banks in order to balance capital accounts can aggravate the food situation, particularly when these plans call for the elimination of public subsidies for basic foods intended to help the poorest social sectors.

73. There has been increasing public debate about food industries, biotechnology and genetically modified plants. These developments have had a direct impact on access to food, the suitability of food and public health (e.g. the relation between Creutzfeldt-Jakob disease and "mad cow" meat consumption). These problems should be looked at from the angle of the right to food. The use of genetically modified organisms (GMOs)[47] in agriculture arouses fears regarding their possible effects on the human body. The right to food implies access to proper food, that it be healthy food, free of any harmful substance and free of harmful consequences for the development of the human body and the reproduction of its vital forces. The scientific community is at present showing considerable interest in the right to food.[48] There is also the problem of patents taken out by northern multinationals on plants growing in the south and the related question of the universal protection given to such patents by the WTO. The right to food implies not only access to food, but also access to the means of producing it. International patents held by northern multinationals, combined with their universal protection and Trade-Related Aspects of Intellectual Property Rights (TRIPS), deprive poor farmers of access to the means of growing their food.[49]

74. Wars constitute a major obstacle to the fulfilment to the right to food. In wartime, the supply of food and access to food become difficult, if not impossible. Crops are either destroyed or abandoned. In practically all countries affected by war, per capita production collapses. Despite prohibitions contained in international humanitarian law, belligerents increasingly use the food weapon to terrorize civilian populations. One example of this occurred when, from April 1992 to June 1995, units of the Yugoslav federal army and Serb militias besieged the town of Sarajevo, imposing a food blockage and causing thousands of deaths.[50] Another problem is that in many countries at war, food security worsens because governments use their resources primarily to buy weapons. In 1994, for instance, when Ethiopia was desolated by famine, the Addis Ababa Government was using 46 per cent of its budget to purchase arms.[51] Yet another problem is that when wars proliferate, international humanitarian aid tends to be unevenly distributed. In Kosovo in 1999, for instance, nobody went hungry, but that same year in Angola more than 20 per cent of displaced children suffered from serious malnutrition.[52] In the third world, in wartime, many more people are killed by famine than by bullets and bombs. Two examples are striking in this respect. In 1992, in Somalia, hundreds of thousands of children under five died of hunger or diseases related to malnutrition. And between August 1998 and May 2000, 1.7 million persons died in the eastern part of the Democratic Republic of the Congo, one third of whom were children under five years old.[53]

75. The Declaration of the World Food Summit (Rome, 13-17 November 1996) expressly mentions corruption as being one of the causes of food insecurity. Corruption can take many

forms, from the simple bribe to organized crime. It is prevalent in the northern hemisphere like in the south. But it is in the poorest countries that the social consequences, and particularly those affecting food security, are the most serious. For example, in November 2000, the Government of Chad appealed to the international community for aid against impending famine. At the time, the World Bank was handing over to the Chadian Government the sum of 17 billion CFA francs (roughly 42.5 million Swiss francs or US$ 25 million) under an oil project to combat poverty. Now the parliamentary opposition is accusing the Government of having squandered most of the money through widespread corruption and arms purchases.[54] The Special Rapporteur will be following closely the efforts to achieve transparency and to combat corruption by the World Bank and other intergovernmental and non-governmental organizations, such as Transparency International and Business Crime Control.

76. There is no doubt that allowing as many farmers as possible access to land and credit is beneficial to food security, not only for the families directly concerned, but for the country as a whole. The World Bank has analysed one of the few recent non-violent experiments in agrarian reform, namely Operation Barga, which took place in the Indian State of West Bengal in the 1970s and 1980s. Tens of thousands of landless farmers gained access to property and credit. The reform led to a net 18 per cent increase in agricultural output in West Bengal.[55] The chapters of the World Bank's Report 2000/2001 devoted to methods of combating inequality and extreme poverty, place particular emphasis on agrarian reform and access to landed property in rural areas.[56] The work of Amartya Sen has exerted a very strong influence on this whole issue.[57] In his view, access to landed property and a democratic system of government are the two main instruments of development of predominantly rural societies.

77. Some interesting land reform experiments are currently being tried out in the Philippines, Zimbabwe and South Africa. Especially noteworthy, too, are the innovative solutions of the Landless Rural Workers' Movement (Movimento dos Trabalhadores Rurais Sem Terra or MST) in Brazil and the Movimiento Zapatista in the Mexican State of Chiapas. The Special Rapporteur will follow all these experiments closely and will analyse their results from the angle of the right to food.

78. One of the main obstacles to the realization of the right to food is the social, economic and political discrimination experienced by women in many societies. Women and girls are often among the first to suffer from famine and chronic malnutrition. But it is also they who pass on the mutilations of malnutrition from one generation to the next. The so-called "life-cycle" analytical method or approach gives a more accurate view of the role played by women (see Mr. Eide's report - E/CN.4/Sub.2/1999/12, paras. 19-22). For example, in North Korea, the famine of the 1990s destroyed between 12 and 15 per cent of the total population (estimated at 23 million persons). However, the social damage was much higher if one considers the fall-off in the fertility curve caused by famine. The Fourth Report on the World Nutrition Situation of the United Nations ACC/SCN states that some 30 million infants are born each year in developing countries with impaired growth due to poor nutrition during foetal life.[58]

79. In its 1998 report on The State of the World's Children, UNICEF, referring back to a 1996 ACC/SCN study, gives a comparative study between three third world countries. With

regard to nutrition and the status of women, for example, in Pakistan widespread discrimination against girls and women is behind high levels of illiteracy among women and girls, a very high fertility rate and lower female life expectancy. "Child malnutrition rates in Pakistan are among the highest in the world, as is the proportion of low-birthweight infants, at 25 per cent. [...] On the other hand, women in Thailand, where nutrition has improved remarkably in the last two decades, have very high literacy [...] and a strong place in social and household-level decision-making." Moreover, it is estimated that in Thailand "malnutrition of under-five children fell from about 51 per cent in 1982 [...] to about 19 per cent in 1990, and that severe malnutrition virtually disappeared during that period". It is also known that increased expenditure in the social sector improves nutrition. In Sri Lanka, for example, "increases in spending on public health services are more strongly associated with reduced infant mortality and better nutrition than are overall increases in income".[59] In many countries, women do not have access to the ownership of land. In others (sometimes in the same), they suffer from the unequal distribution of food within households. Yet women play a vital role in the realization of the right to food, since they bear and feed babies and children. For all these reasons, the recognition of the rights of women and the elimination of social, economic and political discrimination against them are preconditions to the realization of the right to food.

80. Social, economic and political discrimination almost invariably has disastrous effects on the food situation of the individuals, families and groups that are discriminated against. Women are not the only ones to suffer. Other particularly vulnerable groups are also affected, such as very young children, the elderly, the disabled, ethnic and religious minorities, indigenous populations, refugees, migrants, displaced persons, permanently unemployed persons without assistance and prison inmates. One example of such discrimination is the practically systematic exclusion from school meals of Gypsy children (Roma and Sinti) in Hungary and Romania.[60] As shown by the Sub-Commission's Special Rapporteur on Extreme Poverty, Leandro Despouy, discrimination (and extreme poverty) is rooted in the very type of development induced by deregulated capitalism. In other words, poor development, exclusion and discrimination exist in the southern countries as in the northern countries (see the Final Report on Human Rights and Extreme Poverty by Mr. Despouy, E/CN.4/Sub.2/1996/13).

V. CONCLUSIONS AND RECOMMENDATIONS

81. As long ago as 1996, at the World Food Summit organized by FAO (Rome, 13-17 November), Kevin Watkins of OXFAM wrote in the British daily the Guardian: "Free trade will never feed the world, on the contrary."[61] Watkins' intuition has been very much substantiated since then and the figures quoted in paragraph 3 above are there to prove it.

82. The United Nations Organization is made up of States. Because of the rapidly spreading globalization of markets and the emergence of powerful transnational oligarchies, the normative power of States has been degenerating at an increasing pace. The NGO Action against Hunger has convincingly demonstrated the causal relationship between the loss of influence of States and the United Nations tragic lack of financial, political and symbolic means.[62] The strategies deployed by well-nigh all-powerful multinational capital are debilitating States more and more. This tendency in turn prevents the United Nations from fulfilling its mission satisfactorily.

83. Jean-Jacques Rousseau wrote: "In the relationship between the weak and the strong, it is liberty that oppresses and the law that liberates." When the State gradually loses its normative power, what is left to oppose the arbitrary forces of globalized markets? Only civil society.

84. Action contre la Faim (France) takes the view that disinterested non-governmental organizations, which are not exposed to lobbying or to the risk of electoral defeat, are the only ones able nowadays to devote themselves entirely to the defence of moral principles, and the only ones able to stand up against the law of the market or the will of the mighty, with one aim in mind: to make the voice of victims heard, to defend their right to life, to security and to recognition.[63] The Special Rapporteur believes that the social movements that make up civil society can fulfil that same social function.

85. At the World Summit for Social Development (June 2000) and again at the Millennium Summit in New York (September 2000), the United Nations Secretary-General courageously drew the conclusion that henceforth the United Nations should give priority in its cooperative endeavours to the social movements and non-governmental organizations that make up international civil society.[64]

86. The Special Rapporteur's mandate follows the same principle, insofar as he is requested "to establish cooperation with ... non-governmental organizations" (resolution 2000/11, paragraph 11 b). Following the strategic guidelines set out by the Secretary-General and in conformity with the Commission's mandate, he will make every effort to cooperate closely with the new social movements and the main NGOs which are currently engaged in the struggle against the unjust order of the world.[65]

87. Time is not an abstract entity. Time is human life. Right now, 826 million human beings are suffering the martyrdom of hunger. The Special Rapporteur recommends that the international community adopt three priority measures to alleviate their suffering immediately, namely:

(a) The State to provide the poorest families with local seed and land for family vegetable gardens;[66]

(b) Daily school meals to be extended to all needy children and meal vouchers to be introduced in compulsory schools;[67]

(c) Basic foods to be State-subsidized and food tickets to be issued to the most deprived.[68]

88. The Special Rapporteur proposes to cooperate closely with the Inter-Parliamentary Union, in particular by participating actively in the training courses for officials of its 140 member parliaments (Presidents, Chairpersons, Secretaries-General, etc.), in order to help promote national legislation on the right to food.

89. He also proposes to establish permanent working relations with the main United Nations organs, programmes and specialized agencies, in order to promote an approach to cooperation projects that is based on the right to food.

90. The Special Rapporteur requests that the Commission on Human Rights grant him the financial means to convene an international seminar of experts, which would be in charge of laying the scientific and pedagogic foundation of a handbook on the right to food. This handbook should contain a kind of checklist of problems, for which legislation needs to be passed in each country in order to guarantee the realization of the right to food.

91. The Special Rapporteur recommends that the Commission pay special attention to the normative and institutional development of the right to food. It would be particularly desirable to endeavour to enshrine the principles set out in General Comment No. 12 in binding legal standards or in international treaties.

92. The Special Rapporteur recommends that the Commission confirm his mandate to respond to reliable information on violations of the right to food, and, in particular, confirm that he is entitled to address urgent requests to Governments responsible for serious violations of the right to food.

93. The Special Rapporteur recommends that the Commission make it clear that the term "food" covers not only solid food but also the nutritional aspects of drinking water.

94. The Special Rapporteur believes that the right to food is of such theoretical and practical importance for the economic, social and cultural development of peoples and individuals that it should be the subject of a General Assembly debate.

Notes

[1] Food and Agriculture Organization of the United Nations, The State of Food Insecurity in the World 2000, Rome, FAO, 2000. The English version is available on the Internet (http://www.fao.org/DOCREP/x8200E). The French version ("L'état de l'insécurité alimentaire dans le monde 2000") is under preparation.

[2] United Nations, Administrative Committee on Coordination, Subcommittee on Nutrition (ACC/SCN), Fourth Report on the World Nutrition Situation: Nutrition throughout the Life Cycle, Geneva, January 2000 (English only).

[3] Régis Debray and Jean Ziegler, Il s'agit de ne pas se rendre, Paris, Editions Arléa, 1994.

[4] FAO, op. cit. (see note 1 above).

[5] Action against Hunger, Information sheet, Paris, December 1997.

[6] UNDP, Human Development Report 2000, De Boeck University for UNDP, 2000.

[7] "International Code of Conduct on the Human Right to Adequate Food". Comments by Hector Faundez, Wenche Barth Eide, Uwe Kracht, Asbjørn Eide, Gerald Moore, Margret Vidar and Ben Watkins, in Notes et Documents: revue de l'Institut international Jacques-Maritain, No. 56, Rome, 1999. A brief summary of the broad outlines of the International Code of Conduct by the Executive Director of FIAN may be found in a report on the right to food by the High Commissioner for Human Rights (E/CN.4/1998/21, para. 18).

[8] A general comment is a sort of authorized exegesis of a treaty, for which it gives a generally accepted interpretation. General Comment No. 12 concerns article 11 of the Covenant (see "Compilation of general comments and general recommendations adopted by human rights treaty bodies" (HRI/GEN/1/Rev.4, 7 February 2000, pp. 57-65)).

[9] "Calorie" is a term used in physics; it is the unit used to measure the amount of energy consumed by the body. For details on the measurement method, see Jean-Pierre Girard, L'Alimentation, Geneva, Georg, 1991.

[10] Iron and zinc are vital for the development of mental abilities. Micronutrients contain other substances too (such as enzymes).

[11] Antenna, "Malnutrition: un massacre silencieux" (unpublished paper), Geneva, 2000 (Antenna, 29 rue de Neuchâtel, 1201 Geneva).

[12] Joachim Ritter and Karlfried Gründer (eds.), Historisches Wörterbuch der Philosophie, Basel, Verlag Schwabe, 1976, vol. 4, pp. 667–669.

[13] Right to Adequate Food as a Human Right, Human Rights Study Series No. 1, United Nations publication (Sales No. E.89.XIV.2), United Nations, New York, 1989. An initial report by Mr. Eide in 1984 (E/CN.4/Sub.2/1984/22 and Add.1 and 2) was followed by the final report submitted in 1987. An interim report updating this study was submitted to the Sub-Commission at its fiftieth session (E/CN.4/Sub.2/1998/9). In 1999, Mr. Eide updated his study with document E/CN.4/Sub.2/1999/12, which, as he points out, should be read in conjunction with the 1998 update.

[14] Interview with Mohamed-Salah Dembri.

[15] Lecture at the University of Geneva on 16 March 2000, entitled "Brazil, 500 years on: identities, growth and inequalities".

[16] Revista Sem Terra, MST, São Paulo, 2nd year, No. 8, September 1999.

[17] See Journal d'ACF, No. 7, Paris, March 2000.

[18] Press conference given in Paris on 18 January 1999, quoted by Libération, Paris: "The United Nations is guilty of genocide in Iraq".

[19] Speech at the Millennium Summit of the United Nations, New York, September 2000.

[20] El Hadji Guissé, Sub-Commission expert, is particularly interested in the right to access to drinking water and sanitation services and has done some valuable work on that aspect (E/CN.4/Sub.2/1998/7, a document supplemented by the annex to the note by the Secretariat contained in E/CN.4/Sub.2/2000/16).

[21] Ludwig Feuerbach, Manifestes philosophiques, translated into French by Louis Althusser, Paris, Presses universitaires de France, 1960, pp. 57-58.

[22] See, in particular, the origin of this theory put forward by Sergio Vieira de Mello in his inaugural lecture at the Graduate Institute of International Studies, Geneva, on 2 November 2000, entitled "Consciousness of the world: the United Nations faced with the irrational in history".

[23] See also Eide, op. cit., para. 52 (see note 13 above).

[24] Report of the World Food Conference (E/CONF.65/20), United Nations publication (Sales No. 75.II.A.3), United Nations, New York, 1975, Part One, chapter I.

[25] International Convention on the Elimination of All Forms of Racial Discrimination (1965), ratified by 156 States; art. 5 (e).

[26] Convention on the Elimination of All Forms of Discrimination against Women (1979), ratified by 165 States; arts. 11-14.

[27] Convention on the Prevention and Punishment of the Crime of Genocide (1948), ratified by 130 States; art. II (c).

[28] International Convention on the Suppression and Punishment of the Crime of Apartheid (1973), ratified by 101 States; art. II (b) and (c).

[29] Convention (No. 99) concerning Minimum Wage Fixing Machinery in Agriculture (1951) and Convention (No. 131) concerning Minimum Wage Fixing with Special Reference to Developing Countries (1970).

[30] Convention (No. 102) concerning Minimum Standards of Social Security (1952) and Convention (No. 117) concerning Basic Aims and Standards of Social Policy (1962).

[31] Convention (No. 105) concerning the Abolition of Forced Labour (1957).

[32] Convention (No. 107) concerning the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries (1957) and Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries (1989).

[33] Convention (No. 138) concerning Minimum Age for Admission to Employment (1973) and Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

[34] See Carlos Villan Duran, "Contenu et portée du droit à l'alimentation dans le droit international", in Terre des Hommes France, Halte à la mondialisation de la pauvreté, Paris, Editions Karthala, 1998, pp. 198-199.

[35] See "The right to food in national constitutions", in FAO, The right to food in theory and practice, Rome, 1998, pp. 42-43 (English only).

[36] Inter-Parliamentary Union and International Committee of the Red Cross, Respect for International Humanitarian Law, Handbook for Parliamentarians No. 1, 1999, Geneva, IPU and ICRC, 1999, 104 pages.

[37] See paragraphs 6 and 7 of the Universal Declaration on Democracy adopted by the General Conference of the Inter-Parliamentary Union (Cairo, 11-16 September 1997). The text of the Declaration appears in document A/52/437, Annex IV.

[38] See "Report on the First International Encounter on the Right to Food and Nutrition: Review and Outlook" (64-page mimeographed document), page 4. This first encounter was organized in Oslo, from 18-21 June 2000, by The International Project on the Right to Food in Development (Oslo University) in conjunction with the World Alliance for Nutrition and Human Rights (WANAHR), the FoodFirst Information and Action Network (FIAN) and the International Jacques-Maritain Institute (Rome). A second encounter was held in Geneva, on 21 and 22 August 2000, jointly organized with the Office of the High Commissioner for Human Rights and the Working Group on Nutrition, Ethics and Human Rights of the ACC/SCN.

[39] Jens Schulthes, "Ist 'Ernährungssicherung' als Ziel von Entwicklungszusammenarbeit in Zukunft noch realistisch?" FIAN, Entwicklung und ländlicher Raum, No. 5, 2000, pages 29-31 (summary in English).

[40] Action contre la Faim (Coordinated by Sylvie Brunel), Géopolitique de la faim - Edition 2001, Paris, Presses Universitaires de France, 2000. English language readers may refer to the translation in English of the second French edition (October 1999), which was brought out by Action against Hunger - United States, under the title The Geopolitics of Hunger, 2000-2001: Hunger and Power (Boulder, Colorado, and London, Lynne Rienner Publishers, 2000, 354 pages). Spanish speakers may consult the second edition in a book published by Acción contra el Hambre (Madrid) entitled Geopolítica del Hambre - Cuando el hambre es un arma ... Informe 2000, Madrid, Icaria editorial, 1999, 355 pages.

[41] Ibid., p. 13. UNDP alone lost US$ 500 million in contributions between 1993 and 2000.

[42] OECD Council at Ministerial level, final communiqué "Shaping globalization", Paris, 27 June 2000.

[43] The 1974 World Food Conference found a direct link between the debt burden and malnutrition. On the basis of more up-to-date figures, the Jubilee 2000 campaign arrives at the same conclusion (see Web site http://www.jubilee2000uk.org).

[44] United Nations Children's Fund, Children in Jeopardy: The challenge of freeing poor nations from the shackles of debt, New York, UNICEF, 1999, p. 5. This document is also available in English only at the following address: www.unicef.org/pubsgen/debt/debt.pdf.

[45] World Bank, World Development Report 2000/2001 - Attacking Poverty, Paris, Editions Eska for the World Bank, September 2000.

[46] UNCTAD, The least developed countries - 2000 report (United Nations publication, sales No. F.00.II.D.21), United Nations, Geneva, 2000.

[47] Transgenic crops imply genetic transfers between different plants (GMOs), which make it possible to transfer specific qualities from one species to another.

[48] In chapter 10 of its World Development Report 2000/2001 (see note 45 above) entitled "Harnessing Global Forces for Poor People", the World Bank, referring back to the UNDP's 1999 Human Development Report, comments that current trends are worrying for third world countries for three reasons: 97 per cent of GMO patents are held by northern countries; the great majority of patents are held by private companies and laboratories, and not by public research centres, which makes any government monitoring difficult; thirdly, Trade-Related Aspects of Intellectual Property Rights (TRIPS) can sometimes prevent farmers from reusing harvested seed. The question of TRIPS concerns not only WTO but also WIPO.

[49] See Shiva, V., "Biotechnological Development and the Conservation of Biodiversity", in Shiva, V. and Moser, I. (eds.). Biopolitics: A Feminist and Ecological Reader on Biotechnology. London, Zed Books, 1995.

[50] See the article "Serb charged over role in Sarajevo siege", The Independent, London, 2 March 1996.

[51] Stephen, Theories of Famine, New York, Harvester Wheatsheaf, 1993.

[52] Young, E.M., World Hunger, London, Routledge Ltd., 1997. The problem of unequal distribution is getting worse: the financing of humanitarian organizations in 2000 was disastrous. Only 55 per cent of operations planned by the United Nations were covered. The Office of the High Commissioner for Refugees has already cut several programmes in Africa. The International Committee of the Red Cross is also short of US$ 20 million in its budget. On 29 November 2000, the United Nations launched an appeal for US$ 2 billion to bring aid to 35 million persons: the Secretary-General pointed out that this sum represented less than one day of military expenditure in the world.

[53] Machel, Graça, "The Impact of Armed Conflict on Children - a critical review of progress made and obstacles encountered in increasing protection for war-affected children", produced by the International Conference on War-Affected Children (Winnipeg, Canada, September 2000), chapter 6: The toll from malnutrition and disease. Document available on the Internet at http://www.war-affected-children.org/machel-f.asp.

[54] Jean-Bawoyeu Alingué, opposition deputy, "Les réfugiés de la faim", Le Temps, Geneva, 30 November 2000.

[55] World Bank. Report 2000/2001 (see note 45 above), chapter 3, box 3.8.

[56] Ibid., chapter 3 "Growth, Inequality and Poverty"; chapter 4 "Making markets work better for poor people"; chapter 5 "Expanding poor people's assets and tackling inequalities".

[57] Amartya Sen, L'Economie est une science moral, Paris La Découverte, 1999.

[58] ACC/SCN, loc. cit. (see note 1 above), p. iv, para. 1.

[59] United Nations Children's Fund, The State of the World's Children 1998, UNICEF, Geneva, 1998 (Sales No.: F-97.XX.SWZ.3), pp. 39 and 45.

[60] See Médecins du Monde, "Situations sanitaires et sociales des Tziganes en Europe", records of the International Colloquy held on 2 November 2000 at the University of Neuchâtel (Switzerland).

[61] A French version of the article appeared in Courrier international, Paris, No. 315, 14-20 November 1996.

[62] Geopolitics of Hunger (see note 40 above), p. 13.

[63] Ibid., pp. 38 and 40.

[64] See the Secretary-General's opening speech to the special session of the United Nations General Assembly (Geneva, 26 June 2000). See also the report "2000. A Better World for All. Progress towards the international development goals", prepared jointly by the United Nations, the World Bank, the International Monetary Fund and the Organization for Economic Cooperation and Development, presented by the United Nations Secretary-General on 26 June 2000 in Geneva (this report may be consulted at the following Web address www.paris21.org/betterworld).

[65] The heterogeneous and chiefly spontaneous coalition of movements and organizations, which met in Seattle in December 1999, has in the meantime become organized, thanks to the Association for the Taxation of Financial Transactions for the Aid of Citizens (ATTAC-France) and the monthly Le Monde diplomatique. An international secretariat is now operating in Paris and a common platform is being prepared (December 2000). This set of claims known as the "World Forum for Alternatives" will be presented at the World Social Forum, the first world anti-Davos summit, held in Porto Alegre (State of Rio Grande do Sul, Brazil) from 26 to 30 January 2001.

[66] In the unpublished study "Malnutrition: un massacre silencieux" (see note 11 above), Antenna quotes figures on the progress achieved thanks to family gardens.

[67] This was recommended by UNICEF. In India, such meals benefit 125 million children. Some states in Brazil (such as the District of Brasilia) have introduced a system which is effective against both child labour and malnutrition and undernourishment. Families that agree to send their children to school are given a "meal voucher" for each day each child spends in school.

[68] In India, almost 20 million households receive a "ration card".

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Human rights and extreme poverty

Report submitted by Ms. A.-M. Lizin, independent expert, pursuant to Commission resolution 2000/12

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Summary

In her two earlier reports, issued in 1999 and 2000, the independent expert decided to focus her efforts and recommendations on the policies of States, their successes or their failings; on the effects of the policies of international financial institutions, urging them to take human rights into account in that context; and on the necessary but still imperfect coherence among the international organizations responsible for combating poverty, stressing the usefulness for them of exchanging their experiences.

In its resolution 2000/12, renewing the mandate of the independent expert, the Commission on Human Rights requested her to continue, among other things, to evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, identifying national and international good practices, and to examine strategies to overcome extreme poverty and their social impact.

The report is set within a worldwide framework which has changed considerably over the last two years. There is now an even greater commitment on the part of the United Nations specialized agencies; the extreme poverty figures are worsening still further in several parts of the world; there is a greater awareness of the problem among Governments and NGOs; the worldwide migration of the poor has expanded; and there have been perceptible changes in the attitudes of the international financial institutions.

The expert considers that the analysis of practice in individual States must remain a major element in the report, as must the subjects of the coherence of activities within the United Nations and the nature of the influence to be developed over the financing institutions, the role of which has steadily increased since 1998.

Dialogue with the IMF is a central theme in this second report. Developments are encouraging; and the report will explore in depth the relationship between the Bretton Woods institutions (BWIs) and their mandates on the one hand and economic, social and cultural rights on the other.

Finally, the report will concentrate on the expression of the views of the poorest: what kinds of contacts do they have? To whom do they express their needs? And how do the institutions concerned bring those needs to the attention of Governments? The report will discuss in depth the training necessary to ensure that the message received from the poorest is translated into operational terms and transmitted to policy makers in individual States.

Questionnaires of three types were sent out to member States, NGOs and national human rights defence institutions respectively (see annexes). The strategy proposed by the report consists of four steps; it seeks to establish a knowledge of their rights among the poor themselves; training for the fight against poverty; the harnessing of capacities to organize and to conduct a genuine campaign against the condition of poverty; and finally, the necessary mobilization (world alliance against poverty).

I. INTRODUCTION

A. An increasingly comprehensive framework

1. In its comments on the report of the independent expert the International Movement ATD Fourth World sums up the substantial changes which have taken place since the appearance of the report as follows: "Today there exists a worldwide consensus that extreme poverty is the most global and the most permanent of violations of human rights." It should be recalled that the establishment and study of the link between extreme poverty and the enjoyment of human rights has been a concern of the Commission on Human Rights for the last 10 years.

2. A brief historical survey of the period running from 1990, when the Commission adopted resolution 1990/15 instructing the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine the question of extreme poverty, to resolution 1998/25, establishing the mandate of the independent expert, Ms. Anne-Marie Lizin, clearly demonstrates a substantial increase in the involvement of the Commission on Human Rights in the eradication of extreme poverty, which is seen as a denial of all human rights. That determination, which was first expressed in 1990, is today an important and continuing element in the analysis of the promotion and protection of human rights. This interim report seeks to contribute to the further development of that determination.

3. In her previous report (E/CN.4/2000/52) the independent expert drafted recommendations designed to induce member States to fight effectively against poverty and encourage the international financial institutions to take into account the effects of their policies on the poorest. Decentralization occupies a place of primary importance among those recommendations.

4. In resolution 2000/12 of 17 April 2000 the Commission on Human Rights adopted the conclusions of the expert's report and requested a continuation of the evaluation of the relationship between the promotion and protection of human rights and the eradication of extreme poverty.

B. Priority interlocutors

5. In her two earlier reports, issued in 1999 and 2000, the independent expert decided to concentrate her efforts and recommendations on the following subjects:

(a) The policies of member States, their successes or their failings;

(b) The effects of the policies of the international financial institutions, urging them to take human rights into account in those policies;

(c) The necessary but still imperfect coherence among the international organizations responsible for combating poverty, stressing the usefulness of exchanges of experience among them.

6. The first report offered a framework and a reference grille for the evaluation of legislative measures or practices adopted by States in the context of the struggle against extreme poverty, focusing on the essential rights of the individual, namely housing, health, education, well-being, food and security (article 25 of the Universal Declaration of Human Rights).

C. Recommendations already formulated

7. The principal recommendations of the independent expert related to action by the above-mentioned players; a number of specific measures at international, national and local levels designed to benefit particularly vulnerable and disadvantaged groups in society; and situations creating instability, such as armed conflicts and natural catastrophes, which in many countries make for a worsening of the condition of the most deprived (E/CN.4/2000/52, pages 26-33).

D. The new elements in Commission on Human Rights resolution 2000/12

8. In the present report the independent expert has endeavoured, in accordance with resolution 2000/12 defining her mandate:

(a) To continue to evaluate the relationship between the eradication of extreme poverty and the promotion and protection of human rights, identifying national and international good practices;

(b) To enter into consultation with the poorest people and their communities;

(c) To involve national human rights bodies in that consultation process;

(d) To examine strategies to overcome extreme poverty and their social impact;

(e) To continue cooperation with the international financial institutions with a view to identifying the best programmes for combating poverty.

II. THE SPECIFICITY OF THE REPORT

A. Extreme poverty is still present; in many member States the disparities are worsening

People living on less that $1.00 a day (millions in 1998, by region)

South Asia	Sub-Saharan Africa	East Asia and Pacific	Latin America and Caribbean	Europe and Central Asia	Middle East and North Africa
522	291	278	78	24	6

Source: World Bank, Annual Report 2000, page 13.

9. According to the World Bank, "the numbers of poor are greatest in South Asia, but the proportion of poor people is highest in sub-Saharan Africa. Most poor people live in rural areas, but urban poverty is growing faster. Women are more likely than men to lack rights to land and other assets. They also have difficulty getting access to credit. And they lack adequate employment and economic security in old age".

Country	Human poverty index (%)	Adult literacy rate (% age 15 and above 1998	Population without access to safe water (%) 1990-1998	Population without access to health services (%) 1981-1993	Population without access to sanitation (%) 1990-1998
Algeria	24.8	34.5	10	-	9
Benin	48.8	62.3	44	58	73
Bolivia	17.4	15.6	20	-	35
China	19	17.2	33	-	76
Mozambique	50.7	57.7	54	70	66

Source: UNDP, Human Development Report, 2000.

B. Interlocutors in the war on extreme poverty are becoming more numerous

10. In its resolution 2000/12 the Commission on Human Rights requested the independent expert to hold consultations with the poorest people and their communities, with national human rights institutions and with NGOs combating extreme poverty. It also requested her to continue the analysis of the policies of States and their social impact and to cooperate with the international organizations, and in particular with the international financial institutions.

11. In addition to States, the following are increasingly emerging as actors in the war on poverty:

(a) NGOs;

(b) National human rights bodies;

(c) Poor people themselves, and, where they exist, their organizations or communities.

12. However, the expert considers it absolutely essential that the analysis of the practices of States should continue to constitute a major element in the report, as should the coherence of action taken within the United Nations and the nature of the influence to be developed on the financial institutions, the role of which has steadily increased since 1998.

13. The designation of 17 October as the International Day for the Eradication of Poverty has gained widespread acceptance, and the numbers of activities related thereto being undertaken in

individual States are increasing. This is an unquestionable sign of a positive evolution. The success of the World March of Women Against Poverty which took place on 17 October 2000 in New York will be remembered.

C. The "worldwide migration of poor people": evidence of the irrepressible will to escape from extreme poverty

14. One of the social phenomena which we can no longer ignore and which has emerged since the first report is migration - the human aspect of globalization. It is unlikely that the world has ever seen migration on the scale of today. This worldwide migration cannot be ascribed simply to an ethnic factor or to flight from war; it is worldwide in character and its primary motivation is a flight from poverty by the means which mobility has made available.

15. This "migration by the poor" reflects a determination which the restoration of frontiers will never be able to contain; the poor are determined to escape from the condition of extreme poverty. If necessary they will leave by any available means. There are relative levels in this phenomenon; in the countries in transition poverty is less in quantitative terms than in Africa, but the nature of the movement - a flight from poverty - is the same.

16. Will globalization be able to parallel actions designed to reduce racism, inasmuch as migration (including illegal migration) is a key factor in poverty?

D. Progression in reports (table)

	2000 Report	Mandate based on resolution 2000/12	Progress by 2002
Member States	Good practices. Recommendations.	Continue evaluation of good practices.	– Questionnaire. – Choice of countries for in-depth analysis: – Countries in transition experiencing difficulties; – Africa; – Latin America; – Asia.
IMF	IMF considers human rights outside its mandate: limited receptivity.	Insist on proper place for human rights.	Significant evolution: PRGF (Poverty Reduction and Growth Facility) taken into account.
World Bank	Has already established concept of "comprehensive development framework"; positive and evolving approach.	Insist on necessary evolution.	– Development of PRSP; – Involvement in expression of poor peoples (Voices of the Poor).

	2000 Report	Mandate based on resolution 2000/12	Progress by 2002
International institutions	– Each concerned; – But lack of coherence; – Education: priority action.	Search for good practices and effective means.	Special seminar in February 2001.
NGOs	ATD Fourth World mentioned as most active.	Develop analysis of their role.	Questionnaire for principal NGOs.
National human rights institutions	Very few aware of economic and social rights.	Develop awareness of their role.	Specific questionnaire.
Poor people and poor communities	– Gypsies in Bulgaria; – Indians in Equador; – Twas in Burundi; – Role of ATD Fourth World.	Development of direct contacts and promotion of methods for the expression of their rights.	Contacts and seminar to be conducted in presence of the expert in the countries targeted in this report.

III. SELECTED PROCEDURE

A. Analysis of comments on the first (year 2000) report

17. The expert expresses her thanks to all the Governments, United Nations bodies and non-governmental organizations which desired to communicate to her their views on the recommendations contained in the report on extreme poverty (E/CN.4/2000/52). She is incorporating them to the extent possible. The expert draws particular attention to the valuable comments received from NGOs; some of these were of a general character, but others were extremely specific, such as those of ADESEN (Senegal) on the desirability of increasing financial resources (create a fund), those of the International Movement ATD Fourth World on the new perspectives to be explored in greater depth, and those of JDRAD (Jesuits for Debt Relief and Development). The expert has taken particular account of the comments concerning the catastrophic effect of wars and armed movements on poverty in, for example, the Balkans (former Yugoslav Republic of Macedonia, Bosnia and Herzegovina) and Palestine (MADRE, Inc.).

18. The expert emphasizes that a number of comments by member States and by organizations (Guatemala, Lebanon, Paraguay and Portugal and also the World Food

Programme, ECLAC, the ILO and JDRAD) highlighted the desirability of decentralization and the need for local consensus. Natural catastrophes have had an enormous influence on the condition of the poorest: in Niger the municipality of Niamey described this dramatic situation to the expert, demonstrating that in such cases the resources of cities are totally inadequate and that the scale of catastrophes of that kind is such that international solidarity offers the only hope of coping.

19. A number of comments suggested that the question of inheritance rights as a factor making for poverty among women should also be examined with a view to obtaining recognition of the right to inherit (International Human Rights Law Group). The expert also wishes to thank the ILO and UNESCO, and particularly the latter for its comments on the coherence of the campaign against poverty, on the "Brazilia consensus" on good governance signed under the auspices of UNESCO and on the importance of a civil status for everyone. Azerbaijan, Lebanon, Portugal and all the NGOs also emphasized the need for everyone to have a civil status.

20. The contributions emphasizing the usefulness of an extensive dialogue with the IMF included those from Azerbaijan, Chile, Guatemala, Lebanon, Mexico, Paraguay, Portugal and Qatar and from the ILO. One NGO (Kensington Welfare Rights Union) laid emphasis on "the undemocratic character" of the Bretton Woods institutions. Several organizations (ILO, WHO and WFP (combating food insecurity)) very usefully reaffirmed their positions on the subject of poverty eradication.

21. Lebanon, Portugal, ILO, UNICEF and WFP specially mention active job creation programmes. WFP once again mentions the still clearly visible need to ensure that girl children receive school education and the urgency of adopting suitable programmes.

22. A number of contributions (Monaco, ADESEN (Senegal), JDRAD (Jesuits for Debt Relief and Development)) lay stress on the role of NGOs and their development.

23. The great majority of the comments stress the need for a world alliance against poverty. JDRAD does so in the following terms: "Institutional impact is very significant in this regard, some institutions wielding more power, with no political accountability, than others. For this reason, the Commission's recommendation that a world alliance be formed to work together to eliminate poverty is a welcome one. A concrete example of the necessity for such an alliance comes from the debt crisis where, decades on despite worsening suffering and misery among the poor, the crisis continues. There is a clear need to move decision-making and handling of this crisis out of the hands of the creditors and onto a wider group, such as an arbitration procedure as advocated by Kofi Annan and many other groups."

24. Azerbaijan, Georgia and Portugal consider pensions (guaranteed incomes for older persons) extremely important. Guatemala and Lebanon refer to the training of agents in the social sphere (in particular designers of economic programmes and social workers) to combat poverty effectively.

B. Conclusions of the comparative analysis

25. All the interlocutors who decided to make comments on the report on extreme poverty consider that specific measures targeting poor women are needed. Some express particular concern with older women and others with the education of girl children. The constitutions of several countries in transition stress in particular the need for a stable pensions system for the old.

26. The measure most frequently described as effective is the provision of the human and financial capacities needed to combat poverty to local authorities. But the International Movement ATD Fourth World rightly insists on the need for interaction at all levels. Decentralization is considered positive.

27. The next group of measures deemed to be effective are public job creation programmes, a civil status for every child, minimum guaranteed incomes and improved access to health-care services.

28. All of the interlocutors concerned consider that the participation of the poorest in measures affecting them, and an increase in the role of the NGOs, are necessary.

29. Good governance, efficiency in taxation systems and anti-corruption campaigns are mentioned mainly by the NGOs and the United Nations specialized agencies, as is an increase in the international financial resources devoted to development.

30. The NGOs are unanimous in stating that national human rights bodies must take into account the enjoyment of economic, social and cultural rights.

31. The expert devotes particular attention to the extremely interesting comment from Colombia on the relationship between the police and the struggle against poverty. The comments of the Government of Colombia focus essentially on the independent expert's recommendations on conditions of imprisonment, legal aid and the role of the police in relation to extreme poverty. According to the Government's reply, the recession in the country was one of the factors giving rise to criminal activity; consequently, poverty had a direct effect on the prisons. Thus, the recommendation concerning alternatives to the prison system was supported. In that connection, reference was made to the need to decriminalize certain acts in order to reduce the prison population and to the fact that the economic value of the work done in prisons did not enable the prisoners' minimum needs to be met, let alone those of their families. Some prisoners, as part of the work of resocialization, engaged in work or studies, including outside prison, enjoying the so-called administrative benefits provided for by law for this purpose. Free legal aid was reportedly provided in Colombia, by law, for persons facing criminal charges and who were unable to pay for it themselves. Legal aid was available through the public defenders or officially appointed lawyers.

32. Information was provided on the activities carried out by the human rights group of the National Police. These included a wide range of awareness and training activities intended for uniformed and non-uniformed personnel. In addition, the Community Participation Department of the National Police has adopted community programmes aimed at involving the community in the culture of security and social discipline in order to strengthen institutional preventive action and facilitate police-community relations.

33. The comments on the role of the IMF and, to a lesser extent, the World Bank unanimously recommend dialogue, evolution and greater recognition of social objectives; in some respects their roles are sharply criticized by the NGOs. The absence of global coherence is so visible that it is desired by all.

34. The concept of a world alliance against poverty, which is called for in all the comments received from NGOs and suggested by several member States, can be extended: the International Movement ATD Fourth World considers that the world alliance suggested by the expert is too limited; it should comprise all actors concerned with respect for human dignity and with poverty, which is the negation thereof; that is to say, States, regions, municipal authorities (see World Alliance of Cities Against Poverty, E/CN.4/2000/52, para. 91), the specialized agencies, the NGOs and religious institutions, enterprises and civil society as a whole.

Policies mentioned in the report as important in combating poverty

Country	Strengthening of dialogue with IMF to secure consideration of poverty (World Alliance Against Poverty)	Strengthening national human rights bodies to enable them to take economic and social rights into account	Local authorities with real capacities	Participation of the poor in policies affecting them	The right to a civil status from birth	Special measures benefiting women	Job creation programmes	Good governance and anti-corruption measures	Increase in international financial resources	Greater role for NGOs	Minimum guaranteed income
Azerbaijan	X	X		Legal aid	X (important)				X		X (pensions)
Chile	X		X			X		X			X
Colombia		X	Role of justice	Direct connection with prison				X			
Georgia			X			X (+ children)	X		X	X	X (pensions for old people)
Guatemala	X	X (training of social workers)	X							X	

Policies mentioned in the report as important in combating poverty (continued)

Country	Strengthening of dialogue with IMF to secure consideration of poverty (World Alliance Against Poverty)	Strengthening national human rights bodies to enable them to take economic and social rights into account	Local authorities with real capacities	Participation of the poor in policies affecting them	The right to a civil status from birth	Special measures benefiting women	Job creation programmes	Good governance and anti-corruption measures	Increase in international financial resources	Greater role for NGOs	Minimum guaranteed income
Lebanon	X	X (training of social workers)	X		X		X		X		
Mexico	X								X	X	
Monaco	X (protection of environment)					X				X	
Niger (municipality of Niamey)			X								
Paraguay	X	X	X		X			X			
Portugal	X	X	X	X	X	X (plus the elderly)	X		X		X
Qatar	X (defence budget)										

Policies mentioned in the report as important in combating poverty (continued)

Specialized organs, bodies and institutions of the United Nations	Strengthening of dialogue with IMF to secure consideration of poverty (World Alliance Against Poverty)	Strengthening national human rights bodies to enable them to take economic and social rights into account	Local authorities with real capacities	Participation of the poor in policies affecting them	The right to a civil status from birth	Special measures benefiting women	Job creation programmes	Good governance and anti-corruption measures	Increase in international financial resources	Greater role for NGOs	Minimum guaranteed income
ECLAC	X		X					X		X	
ILO	X	X	X	X	X	X (and old people)	X	X	X	X	X
UNESCO	Global approach (also involving WTO) necessary	X	X	X Specific training programme, Brasilia Consensus	X	X		X	X	X	
WFP			X	X		X Street educators	X		X (Combating hunger and food supply insecurity)		
WHO		Health is a social right				X			X	X	

Policies mentioned in the report as important in combating poverty (continued)

NGOs	Strengthening of dialogue with IMF to secure consideration of poverty (World Alliance Against Poverty)	Strengthening national human rights bodies to enable them to take economic and social rights into account	Local authorities with real capacities	Participation of the poor in policies affecting them	The right to a civil status from birth	Special measures benefiting women	Job creation programmes	Good governance and anti-corruption measures	Increase in international financial resources	Greater role for NGOs	Minimum guaranteed income
ADESEN (Senegal)	Achievement of overall coherence between IMF and United Nations system to reformulate IMF strategies	X		X	X	X	X	X	X	Creation of a fund for the eradication of poverty	X
ATD Fourth World		X	X	X	X	X	X	X	X	X	X
International Human Rights Law Group		Right to inheritance			X						
Jesuits for Debt Relief and Development	X		X	X						X	X
Kensington Welfare Rights Union	X (undemocratic character)	X		X							

C. Procedures for the implementation of resolution 2000/12

35. The procedures for implementation are as follows:

Elements of resolution 2000/12	Implementation procedures
1. Continue to evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, identifying good practices: (a) at national level; (b) at international level	(a) At national level: – Questionnaire sent to each Member State; – Selection of certain countries for more detailed missions for purposes of analysis of good practices; – Countries in transition – Africa – Latin America – Asia (b) At international level: on the occasion of a special seminar scheduled for February 2001 the expert will examine trends in the specialized agencies of the United Nations in the sphere of the campaign against poverty.
2. To undertake consultations with the poorest people in order to develop their ability to express their views	– Visits to poor groups and communities and seminars during each mission undertaken by the expert. – Questionnaire on the subject to be sent to NGOs. – Preparation of a list of effective forms of expression for the final report.
3. Association of national human rights bodies	– Questionnaires for national human rights bodies. – Visits during missions by the expert and specific seminars.
4. Consideration of strategies to overcome extreme poverty and their social impact	– The expert will examine in depth the implementation of strategies and their impact during her country missions. She will lay emphasis on training for persons engaged in the fight against poverty.

Elements of resolution 2000/12	Implementation procedures
5. Continued cooperation with international financial institutions in order to identify the best programmes	Between the two reports the expert has observed radical changes in the positions of the two organizations. She will direct particular attention to the IMF in connection with the countries visited. – PRGF – IMF: Poverty Reduction and Growth Facility (PRGF) – World Bank: Poverty Reduction Strategy Papers (PRSPs) The expert will discuss the definition of the mandate of the Bretton Woods institutions
6. Contribution to the mid-term (2002) evaluation of the first United Nations Decade for the Eradication of Poverty	The report can serve as a stimulus for the development of a genuine world alliance against poverty and will provide material for the International Day for the Eradication of Poverty (17 October).

D. Interim progress report

36. Under the terms of her second mandate the expert has already visited Belarus and Algeria. She has continued to maintain high-level contacts with senior officials in the International Monetary Fund, in pursuance of which she has visited Paris and Washington. She has also maintained contacts with the World Bank and bilateral contacts with the United States authorities.

37. Also within the framework of her second mandate, the expert attended the meeting of the World Alliance of Cities against Poverty with a view to making progress on one of the important recommendations in report E/CN.4/2000/52, namely the role of local authorities in the fight against poverty.

38. At the invitation of ATD Fourth World (New York) the expert attended the International Day for the Eradication of Poverty (17 October) and the conclusions of the World March of Women Against Poverty held in New York on the same day.

39. The expert sent questionnaires of three types to Member States, national human rights bodies and NGOs respectively; she expects to receive the replies by early spring 2001. (See annexes I-III.)

40. The expert is associated with the preparation of the seminar designed to consider the need to draw up a draft declaration on extreme poverty. The seminar should permit consideration of all the activities undertaken within the different specialized agencies of the United Nations.

41. The expert intends to visit countries in which there is evidence of effective practices to overcome poverty, and in particular Benin, Bolivia, China, Mexico, Mozambique and Russia. She will attend the planned seminar on combating poverty to be held in Mauritania.

42. The expert is developing the recommendation in her report E/CN.4/2000/52 concerning the training of persons in contact with the poorest people and with the responsibility of drawing up and implementing programmes to overcome poverty by focusing that training on the participation of the poor in the expression of their needs and expectations (training of social workers, university training in programme management). In this context she intends to hold in-depth discussions with a number of university institutions, including the Wagner School at New York University.

43. During her missions the expert is examining in parallel the elements of self-expression by the poorest people and the significant increase in migration by the poor. Migration is a vital and existential way of expressing a need and appealing for help. A report published in France by the National Observatory on Poverty and Social Exclusion (23 November 2000) contains highly significant figures demonstrating that between 30 and 50 per cent of persons entitled to family support do not claim it. This incidence of "failure to claim" is due to a very serious lack of information in a country which possesses a model corpus of legislation to combat poverty.

44. The influence of land-use planning and land allocation on poverty, and in particular on the right to housing, should be studied in greater depth.

45. The expert considers that the relationship between the concerns of a world policy on water and access of the very poor to water should also be studied in greater depth.

IV. DIALOGUE WITH THE IMF: THE RELATIONSHIP IS BECOMING INTERACTIVE

46. During the last two years a significant change has taken place. The International Monetary Fund considers that it has an important role to play in overcoming poverty. In particular, it is endeavouring to create the conditions for equitable and sustainable growth, which is the largest single contributory factor to poverty reduction.

47. The IMF has made a major move in this direction in its Initiative for the Heavily Indebted Poor Countries (HIPCs) and has moved still further with its Poverty Reduction and Growth Facility (PRGF), one of the central objectives of which is the reduction of poverty. It administers the PRGF in close cooperation with the World Bank. The latter has drawn up the Poverty Reduction Strategy Paper (PRSF), which sets out a strategy for the reduction of poverty.

48. It is true that reference to the specific mandate of Bretton Woods still serves as an argument for not integrating human rights as such into the activities of the IMF. However, the expert cannot but welcome the perceptible evolution in analyses and practices.

49. The IMF recognizes the desirability of legislation establishing a minimum guaranteed income. In its comments the IMF states that "while this is desirable, the report should clarify

that the minimum guaranteed income needs to be commensurate with a country's financial resources to provide such support, and not distort incentives for job creation for, and job search by, the poor. A minimum guaranteed income may not be financially feasible in the poorest countries."

50. As evidence of the significant advances which have taken place since the first report of the independent expert, the IMF states that "since the first drafting of the independent expert's report, country-owned Poverty Reduction Strategy Papers (PRSPs) have been introduced and are the basis for the lending operations of the BWIs for low-income member countries. PRSPs provide a blueprint for poverty reduction that draws on the broader, longer-term Country Development Framework." In the same context the IMF also refers to the new elements in its strategy, introduced in 2000, mentioning a series of publications and declarations by the directors of the IMF and the World Bank.[1]

51. However, the IMF does not accept that its actions are "destructive" of social policies, as stated in the report of the independent expert. "The sentence, 'an IMF consultant can destroy in a day the patient work of thousands of social workers' is not correct; what specific instance motivates it? In discussions with country authorities, the Fund strives to help countries achieve higher sustainable growth, which is critical for poverty reduction. In doing so, the Fund ensures that budgets support adequate and effective social spending - particularly in health and education - and encourages social safety nets to mitigate the adverse social consequences of needed reforms."

52. The IMF comments on the recommendation concerning the cancellation of the debt of the most heavily indebted countries and the necessary democratic reform of the Bretton Woods institutions (BWIs) called for by the expert (para. 103) as follows: "Selective distortionary regulation could in fact lead to a reduction in much-needed capital inflows to developing countries. The Fund's approach in this area is to encourage the efficient allocation and reduction of capital flow volatility by promoting transparency in financial markets and good governance in financial institutions of both creditor and debtor countries .... The IMF and the World Bank are working hard towards the goal of 20 countries starting to receive debt relief under the enhanced HIPC Initiative by end-2000. Combined with traditional debt relief mechanisms outside the HIPC Initiative, countries are expected to see their debt stocks reduced on average by about two thirds. The debt of these countries to the IMF is projected to be reduced by half, a reduction of over $2 billion (in end-1998 US$). By September 2000, 10 countries had already started receiving a total of $16 billion in debt relief under the HIPC Initiative. It would be helpful if the report could note that in order for the HIPC Initiative to be fully successful, it is imperative that donor countries follow up on financing commitments."

53. The IMF conceded that the point about democratic reform of the international financial and trade organizations was well taken. It observed that "IMF has recently initiated a review of its quota system, upon which voting rights of members are calculated (voting rights at the IMF Executive Board are based on the economic size of each member country). Also, the IMF has, and will continue to, increase the transparency of its activities and thereby promote greater accountability and dialogue with outside groups and experts."

54. The expert draws particular attention to three comments on recommendations concerning IMF operations:

(a) "'The expert recommends that the Bretton Woods institutions should produce an annual report containing details on each country and an assessment of the social impact of their policies, in regard to the eradication of extreme poverty in particular. These country reports should in future include a summary of the contacts and collaboration with each sector and each specialized agency of the United Nations.' In this regard it should be noted that there are several vehicles already used by the BWIs to keep track of the social impact of policies, and are thus in keeping with the spirit of the recommendation. Lending operations conducted under the PRGF rest on country-led Poverty Reduction Strategy Papers. Country-owned PRSPs, on which Bank and Fund lending is based, are to be periodically updated to monitor progress in poverty reduction. This process would also help identify any needed change in policies. Also, to the extent possible, PRSPs would draw on social impact assessments (undertaken by the Bank). In most low-income countries there is very limited capacity for social data collection and analysis, and the BWIs together with bilateral donors are coordinating efforts to increase their technical assistance in these areas. The IMF and World Bank currently produce a number of more general poverty reports, among these: the World Development Report and (jointly with the United Nations and OECD/DAC) a Better World for All (July 2000).

(b) "The independent expert recommends that 'all agreements with Governments should include a social clause spelling out the social policies which must be kept safe from budget cuts: education, health, basic hygiene, and housing'. Further, 'the content of this protective social clause should be the subject of a joint report by the UNDP, IMF, the World Bank, and the High Commissioner for Human Rights with the aim of protecting specific aspects of the social policies of the countries involved in the negotiation'. Fund policy advice and lending under the PRGF, and its predecessor the ESAF, seek to provide budget allocations that are financiable on a sustainable basis for efficient social sector spending. For all HIPCs with IMF-supported programmes since 1985, per capita spending (after inflation) on health has risen by 4 per cent per year and on education by more than 2 per cent per year. Also, school enrolment rates have risen by 1 per cent per year and more quickly for girls than for boys, narrowing the gender gap; child mortality has fallen by 2 per cent per year and immunization rates have risen by between 7 and 9 per cent per year."

(c) "The independent expert also considers 'that a compensation mechanism for financing spending in the fight against extreme poverty from the funds made available by rescheduling is a priority aspect of the role of the Bretton Woods institutions'. The enhanced HIPC Initiative goes further than debt rescheduling - it provides debt relief. Also, under the Initiative, resources released by debt relief are to be used for poverty reduction. Social spending for the 10 countries receiving debt relief under the HIPC Initiative, on average, is expected to amount to more than three times actual debt service over 2000-02."

55. The content of these comments, the quality of the acceptance of the objectives stated in the report and the substance of the talks which the expert had in Washington, in particular with Mr. Kohler, demonstrate the importance attached by the senior officials of the IMF to the objectives of combating poverty spelt out in the resolution: a new culture within the Fund, real limitations on the extent of dialogue with civil society, although that dialogue is important;

the responsibilities of Governments; the importance of the development of rural zones and basic infrastructures, particularly in agriculture; the need for decentralization within States, to be conducted in parallel with the creation of financial mechanisms and resources and accompanied by a model for control of decentralized expenditure.

56. The expert's interviews at the IMF essentially brought to light the progress made there in the past two years. The changes were significant in terms of the progress the expert had expressed hope for in her report. She observed, inter alia, that:

(a) Many changes have occurred in the field of financial stability, macroeconomic adjustment, poverty reduction and growth facility. With regard to poverty reduction, Governments should pursue their own policies and develop their institutions, not only economic (market conditions) but also in the field of the administration of justice. They should also decide on the methods of monitoring and tracking expenditure in the social sector and reflect them in the budget in a manner which allows IMF to assist in the design and implementation of meaningful social programmes;

(b) IMF does not propose a "model conceptual framework". PRSPs are based on a participatory country strategy. Countries assess their own priorities. The United Nations principles have been integrated in the PRSPs targets. The Fund and World Bank intervene at the financing level to facilitate, inter alia, the contact with the donors. All PRSPs encourage decentralization. For example, Indonesia is going through a rapid decentralization process;

(c) Eleven countries under the enhanced HIPC Initiative have reached the decision point in regard to the implementation of the interim PRSP. Countries withdrawing from the enhanced HIPC Initiative are still expected to prepare a PRSP, for example, Ghana, Lao People's Democratic Republic and Yemen;

(d) Progress in the elaboration of indicators is very slow. However, there is an agreement on the use of interim indicators. Twenty-four broad indicators have been developed in cooperation with the United Nations system, the Bretton Woods institutions, and the donors, which help in assessing global indicators. Other indicators are country-specific.

57. The following are the main issues raised with the Policy Development and Review Department at IMF regarding the effectiveness of IMF policy for poverty reduction.

(a) An illustrative scheme was provided with details of various steps in the procedure of elaborating a PRSP and the specific role of the World Bank and the IMF: in the rare cases where there is no Bank programme or staff, the Fund would expand its conditionality;

(b) The problem of a human rights impact assessment, in particular adequate measures for the realization of economic, social and cultural rights, still needs to be addressed by the World Bank and the IMF. Reference was also made to the problem of the adoption by States of new legislation that is inconsistent with the budgetary objectives.

58. The IMF has set up a unit especially to analyse its impact on poverty. Work started on 1 July 1999. The two-person unit has a mandate to work with the World Bank as well as with

the IMF. The methodology focuses on a few countries: Burkina Faso, Mali, Mozambique and Uganda. The working atmosphere between the IMF and the World Bank is considered excellent. The PRGF and the PRSP (anti-poverty plan) are two excellent methods, but there is often not enough participation, follow-up or statistical data. The PRSP is in fact government-owned, the unit making suggestions and monitoring ongoing activities in terms of micro-economic values.

59. The IMF checks for coherence, monitors the budget system, then decides with regard to the PRGF. From the macroeconomic point of view, the PRGF has the same approach as the PRSP. Structural conditionality in fact falls within the scope of the World Bank, whereas macro-structure is the concern of the IMF (for example, privatization). The role of taxation is very important. The IMF is competent for effective expenditure, but the role of public administration falls to the World Bank.

60. The World Bank has a substantially heightened interest in the implementation of human rights and the link with its activities. Recalling that Human Rights Watch had applauded the first explicit reference to human rights in a World Bank document (the IMF and World Bank annual meeting held in Prague in October 2000), the expert expressed interest in the PREM (Poverty Reduction and Economic Management) network created within the World Bank. The network provides support to Governments, mainly for strategy formulation for a specific sector and policy-based lending.

61. The World Bank's PREM network has the following five specific thematic groups on poverty: 1. information on strategies to monitor and analyse poverty; 2. poverty and inequality; 3. poverty impact evaluation; 4. poverty and safety nets; 5. poverty and human capital. It should enable the World Bank to consolidate its knowledge in these areas and to avoid duplication.

62. During the expert's interviews at the World Bank, the primary role of the most extensive participation possible of the country in the drafting of the PRSP was emphasized. The participation of all concerned in drafting the PRSP was very important. For example, in Bolivia the national dialogue entailed a very real political risk. For a long time, indigenous people were excluded from public consultations. The first efforts at democratization turned out to be superficial. However, the new process of national dialogue established through the PRSP opened new channels. Bolivia's efforts to develop a decentralization strategy to distribute growth presents a fairly positive image of evolving democracy in the country. The Ministry of Planning has developed a social fund for unemployed miners. The budget allocated for each area is displayed locally, allowing for public tracking. However, there is no official monitoring system per se.

63. The independent expert attempted to understand how the poor could be involved in consultations for the PRSP.

64. It was explained that a well-designed consultation process should be established. Such a process should maintain the distinction between public participation and State accountability. For example, in determining priorities for health expenditure, the focus of public health policy

should be primarily on preventive health services for everybody. Health budgets for the other sector should be determined following the income curve. Health policies also depend on the availability of fiscal resources and the distribution of public expenditure.

65. One regional financial institution which has incorporated the concept of human rights into its charter (specific clause) is the European Bank for Reconstruction and Development (EBRD). A study of the reference framework for its implementation is of great interest for this report.

66. The question is whether the international financial institutions have a duty of care obliging them to anticipate the negative repercussions of their decisions on the human rights situation in borrowing countries. In that connection, the expert underscores the link between that duty and the IMF's decisive role with regard to poverty trends in one country studied: Belarus (see section V, para. 95).

67. The expert will continue to study the interaction between human rights bodies and Bretton Wood's institutions, as she had done in the first study, as that interaction clearly constitutes development of the utmost significance, demonstrating the interest attached by the IMF itself to the matter.

68. The expert will go deeper into the legal opinion according to which "the question of the situation of the international financial institutions with regard to the rules safeguarding the rights of the individual cannot be considered solely within the framework of the legal order of those institutions, which, moreover, look on those rules with a questionable bias (to the effect that respect for human rights is a political consideration). Beyond that basic legal framework, general international law is designed to be applied "horizontally" to the activities carried out by those institutions within the framework of their statutory spheres of competence. They are in particular subject to a duty to exercise due care, meaning they must ensure that the activities carried out under their control do not infringe the rights of other subjects of international law, including individuals. They must therefore ensure that in their programmes and policies they encourage their member States to make the granting of a loan conditional on the absence of any effect on either the civil and political or the economic and social rights of the local population, which the borrowing States have pledged internationally to respect".[2]

V. GIVING PRIORITY TO THE VOICES OF THE POOREST PEOPLE

69. The independent expert's mandate comprises consultation of the poorest people and their communities.

70. Consultation of the poorest people and their communities implies the establishment of a world alliance to fight extreme poverty that brings together in a coherent political framework the United Nations agencies, the Bretton Woods institutions and the World Trade Organization. The independent expert mentions the mobilization of national human rights institutions (E/CN.4/2000/52, para. 89), regional and local authorities (para. 90), States (ibid., para. 93), social workers (para. 111) and, more generally, personnel having frequent contact with the poorest people, such as police officers (para. 110) and judges (para. 107).

71. The mobilization of forces is a necessary condition for the success of the alliance. As observed by International Movement ATD Fourth World, progress has been made towards achieving coherence in the efforts of the various institutions of the international community (para. 85). However, those efforts will be only partly successful if the mobilization is not broader and if it does not reach all citizens without exception: those who live in and combat extreme poverty, those who are close to the poorest because of their professional or charitable activities, those who never, or almost never, rub shoulders with the poor. They must all come together to form, within the alliance, a body of world public opinion that demands respect for the dignity of all. There are many means of achieving this aim. The national human rights bodies could devote time and resources to the issue of extreme poverty, as they do to the fight against racism or against discrimination against women.

72. Training is a necessary condition for consultation: consultation of the poorest people and their communities requires people able to implement policies of listening, analysis and action to anticipate the needs of the poorest. Training is therefore essential. International Movement ATD Fourth World places it at the heart of the process.

73. Training programmes covering the living conditions of the poorest people should be systematically included in the instruction provided to all professions having frequent contact with people in difficulty: not only police officers, judges or prison personnel (paras. 107-110) and social workers (para. 111 ff), but also the medical and paramedical professions, the teaching and vocational training professions, and public servants, in particular those in charge of receiving people. Such training should be available to the entire population. It should start in the framework of school programmes, at primary school level or even earlier. It should also be included in the activities of child and youth associations and movements. Every citizen, no matter what his or her background, has the duty to know about the living conditions of the poorest and their aspirations, in order to be able to talk with them. There can be no partnership otherwise. At best, we will keep our paternalistic attitudes; at worst, we will develop attitudes reminiscent of racism and xenophobia.

74. The project could also benefit from the development of initiatives enabling young people and adults to make themselves available for projects in areas of extreme poverty, through existing NGOs: to learn to know those populations, to live and work with them; to develop with them fresh outlooks on human activity. Public administrations and enterprises should facilitate the voluntary commitment of employees wishing to give of their time to fight poverty.

75. Enabling the poorest people to express themselves requires a major human investment: it needs trained people able to conduct these relations in each member State; the human investment must also be sustainable and internationally mobile. International Movement ATD Fourth World emphasizes that without lasting human investment side by side with the poorest, neither micro-credit (para. 97), nor integration policies and job programmes (para. 99), nor the measures to enable the poor to obtain admission to theatres or cinemas (para. 105)* will ever reach them. The independent expert emphasizes (para. 106), with regard to ethnic minorities: "the main problem is to gain knowledge about these peoples and find ways of reaching them and talking to them about their rights".

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* Mistake in the original.

76. In this respect, the importance of continuity in time must be emphasized. Projects are interrupted or fail to meet their objectives because human investment is lacking.

77. One of the difficulties encountered is the restrictions on freedom of movement, establishment and residence affecting people who wish to work on projects to fight poverty throughout the world. These long-term volunteers find it very difficult to obtain the necessary visas and residence permits, either to remain in a country for a long time or to go elsewhere for training. Visa refusals and administrative difficulties are increasingly frequent, whether in North-South, South-North or even North-North exchanges. The matter should be examined during the International Year of Volunteers and the means sought of giving (long-term) volunteers in the struggle to overcome poverty a status enabling them to invest fully in their activities, without being in a constant state of uncertainty as to their administrative situation.

78. The priority we give to enabling the poorest people to express themselves must in no event mask the structural reality of poverty: access to property, access to credit, fiscal mechanisms for the redistribution of wealth, access to water. Economic growth may be a necessary condition, but it on its own does not suffice to reduce poverty. The structural factors of poverty are numerous and explained in detail in the previous report (E/CN.4/2000/52).

79. These structural relations are often maintained by institutions: the conduct of these institutions at the smallest level (castes) or the international level (Bretton Woods institutions) can be decisive (see section IV).

80. The relationship between culture and poverty is also part of the analysis that the expert will develop in her forthcoming report. On this topic, the non-governmental organization JDRAD (Jesuits for Debt Relief and Development) must be quoted:

> "The cultural aspect, so frequently overlooked, is consequently critical to the poverty debate. ... Developing our analysis, the relationship between culture and poverty is deeper than what first appears. The increasing inequality, and consequently the inability to liberate the poor, is a cultural phenomenon in the sense that, under the present dispensation of neo-liberalism, 'poverty' and the 'marginalized' have no meaningful existence within the dominant discourse, or the dominant culture. The poor today are people without meaning, people without voice, and belong to communities that live on the meaning provided to them by others (subalternity). It is in this sense that we can say that the poor are not allowed to exist culturally. In other words, the poor are a 'failure', an unbecoming excrescence that must be done away with. According to this 'new culture', it follows, therefore, that their world of meaning, their traditional forms of knowledge, their ancient forms of governance, of finding livelihoods and communal forms of sharing resources are totally discredited.
>
> "There is room only for one culture - the culture of success and well-being promoted vigorously by capitalism all over the world. ...
>
> "The solutions to the problem of poverty must come from below nurtured by appropriate policies and institutions from above. The most important reason is obviously the cultural aspect of poverty. The liberation of the poor from poverty has an important

> cultural dimension. First, it is a public engagement and statement asserting their right to matter, to have a voice and to decide their future. Second, 'empowering the poor' is closely related to recognizing their knowledge and their value system. Cultures are neither perfect nor immutable, but the dynamics and the agenda of cultural change must be decided by those affected."

81. The expert also emphasizes the growing gap, in terms of culture, between those who have access to the information society (enterprises, government) and those who never will. Unbreachable walls are being built that go much further than the mere criterion of living standards (Ricardo Petrella discusses this in his essay[3]).

82. At the world level, different elements of new cultures or countercultures are gradually appearing, very often in connection with the fight against poverty. One can even speak of diverse channels of expression in the form of various subsidiary or underground channels opposing the culture "of wealth". It is important to note that, unlike a culture with a uniform pattern of thinking, the emerging cultures are disparate and multifaceted. JDRAD lists the most important of these in the following terms:

> "[T]he debt movement with which JDRAD is strongly involved; ecological and feminist movements, indigenous movements (Chiapas very much on the forefront, and Jharkhand celebrating a new statehood in India), and the emergence of various platforms and networks of civil society that have decided to take a stand at Cologne, Seattle, Philadelphia, Kuala Lumpur or currently, in Prague. These groups are helping to push forward the boundaries of the dominant cultural, political and economic paradigm. New values are coming to the fore and finding expression at a policy level as evidenced in the thinking in the IMF Poverty Reduction Strategy Policies (PRSPs) and the recent World Bank Development Report."

83. The expert considers it important to ascertain what knowledge the poor have of their rights and of the actual exercise thereof. It should be possible to conduct a specific study to ascertain whether legislation exists facilitating access by the poorest people to the courts. The expert also thinks it would be interesting to discover whether there are any specific cases in which needy people have been able to claim their economic, social and cultural rights in national courts (constitutional or other courts), regional courts (the European Court of Human Rights and the Inter-American Court of Human Rights) or international courts (anticipate the consequences of the adoption of an additional protocol to the International Covenant on Economic, Social and Cultural Rights).

84. Numerous publications touch on the issue of self-expression by the poorest. Several NGOs, including International Movement ATD Fourth World (Reaching the Poorest) and ENDA Inter-Arab (La débrouille au féminin - Tunisie) have produced works on the subject. IFAD has published a handbook on the participation of poor groups in its projects, stipulating a method for the consultation of rural groups on the planning and conception of projects, the role of local communities, the need for local community reinforcement, and the organization of mechanisms for official recognition of the importance of procedures for the participation of poor groups of people.

85. Lastly, in Voices of the Poor - Can Anyone Hear Us?, the World Bank has just published an exhaustive analysis covering more than 60,000 poor people from throughout the world, aimed at defining what keeps them from expressing themselves and containing useful guidelines for the analysis of their needs. The scope of the analysis is unprecedented. The expert emphasizes the relevance of the analysis of the situation of poor people living in countries in transition, particularly children, a situation she was able to study in greater depth in Belarus.

86. The poorest people must be able to express themselves on specific topics which should be examined in greater depth. They include living arrangements, in particular in megacities (Mexico). How are poor and illiterate groups of people consulted? A specific study of the techniques used by the poorest people to express themselves, employed for land-use planning purposes in Europe, could also be profitably compared with the techniques used in the megacities of Latin America: the place of women and children in land-use choices, the fundamental needs of poor groups, the tools of dialogue with institutions, the means allocated for participative practices (are they sufficient? what are the follow-up procedures?).

87. The expert will take a closer look at the role of local decentralization as a technique for the participation and expression of poor groups. From this point of view, she will scrutinize developments in several countries, notably Benin. Successful decentralization does not work from the top down. To be successful it requires effective communication between groups of people, and it is therefore necessary to use the system actually used by poor people to communicate. In Benin, the préfet is a relative stranger, but everyone knows the woman in charge of water!

88. The role of decentralized bodies in communication with the population must also be defined. They must be given a detailed mandate in that regard. The importance of local government monitoring and transparency is thus essential and will be covered in the report. The expert recalls the great interest shown by the World Alliance of Cities against Poverty, initiated by UNDP, and the particularly useful proposal made by the Fonds international de solidarité at the initiative of the city of Geneva in this framework.

89. Enabling the poorest to express themselves brings to mind the imperative need for enabling the poorest women to do so. This special problem will be examined in the report from the point of view of women's right to inheritance, their access to ownership (International Human Rights Law Group) and the hearing their needs are given in participation procedures, in particular rural procedures, which are particularly rooted in tradition and backward. The expert wishes to recall, for example, the importance of access to water, a basic investment that is fundamental for rural women. Several experiences have demonstrated that the sinking of wells in certain rural African communities increases the time available to women and is therefore considered to undermine the power of men; the wells are therefore poisoned or fouled by the men in extremely poor communities. Relations between men and women are just as violent in poor communities as in other societies.

90. In the initial phase of the report, the independent expert examines the continued struggle against poverty in Algeria, a country already studied in her previous report and which has chosen to make extreme poverty one of its priorities.

91. Algeria held its first national conference on the struggle against poverty in October-November 2000. The conclusions of the Algerian national conference reflect the major areas on which poor groups of people need to express themselves:

(a) Development of agriculture and fishing, two basic elements;

(b) Greater fairness in the provision of health care;

(c) Guaranteed vocational training and employment;

(d) Identification of needy people requiring housing;

(e) Incorporation of the neediest people in the social security system;

(f) Substantial State transparency: a precondition for the success of reform measures.

92. Algeria is thus developing its campaign against poverty very positively. Its strategic reinforcement and the establishment by the Finance Ministry of a truly transparent budget should therefore be encouraged. The population of Algeria's towns had grown in the past five years, and increased income from oil could enable rapid reconstruction of the school network. The expert had been impressed by the widespread availability of the Internet among young people and by the outreach services.

93. The expert will not be able, within the framework of her mandate, to examine how poor groups of people express themselves in the event of conflicts, in particular inter-ethnic conflicts. She nevertheless considers it important to mention those conflicts in this interim report, because they bring about the situations of deepest despair. The expert had encountered an extreme case which illustrates the absolute poverty reigning among the Muslim population of Srebenica in November 2000. Isolation in surroundings of hatred is the worst of all situations. Thus, in Srebenica an old Muslim man and his wife (87 and 82 years old respectively) are living in fear in their 2 x 1.50 m house reconstructed with the help of SFOR (United States of America) on a hill on which everything had been destroyed and which had been resettled exclusively by Serbs.

94. The expert will nevertheless examine in depth, with the national human rights institution of Bosnia and Herzegovina, developments in the work of the latter with regard to extreme poverty and groups of people deprived of their human rights.

95. The expert wishes to take a close look at the special situation of poverty in countries in transition. In that respect, she plans to visit Russia and can already report several observations made in Belarus, a fragile country in which, according to UNDP, poverty may increase if the IMF is too rigid (see section IV). In Belarus, the ministries function, the civil servants carry out their duties on behalf of the State and civil society is very active (more than 2,900 private organizations), yet the expert encountered various groups of poor people in the orphanages and

in the hospitals close to the Chernobyl area. Belarus is preparing to re-examine its legislative instruments for fighting poverty in the areas of unemployment, pensions and social assistance. Very poor families are visited by State social services.

96. A huge wave of poor migrants from Asia is sweeping across Belarus. It contains individuals of every nationality in illegal transit situations. According to UNDP, the vulnerable population sectors in Belarus are the following:

(a) Pensioners, who have a very low standard of living (in some cases they go hungry) and suffer from depression and alcoholism;

(b) Broken homes and children placed in orphanages because their family or single or prostitute mother is too poor;

(c) Ethnic groups: although Belarus is a very tolerant country, it is presently experiencing the biggest wave of migrants in transit in centuries (Abkhaz nationals are arriving without papers and do not speak the language; students from Uzbekistan, Tajikistan and the other former Soviet Socialist republics, who were previously studying in Russia, are trying to leave for the West);

(d) The Roma or gypsies: very few people look after the Roma, and gypsy families sometimes arrive from Tajikistan (the women beg and their husbands work on the markets and in winter they do not have adequate clothing);

(e) Prostitution is growing at an increasing rate.

97. According to the World Bank report, Voices of the Poor (page 125), countless children in countries in transition like Belarus are entrusted by their mothers or their families to State institutions so that they will have enough to eat and decent housing. Belarus has orphanages of this kind; they receive little aid but are properly run. The same holds true for aid for handicapped people.

98. There are nevertheless other indicators of latent and very widespread poverty: begging in the streets, including begging by children, widespread prostitution, the lack of medicines in the children's hospital, large numbers of children being placed because their parents have been deprived of parental authority (on account of alcoholism or delinquency). Deprived of access to any structure, the gypsies beg in the streets.

99. The expert has drawn up a questionnaire for her interviews with the poorest people, aimed at identifying the components of poverty, respect for the rights of the poor, their knowledge of those rights, and more specifically their contacts with other poor people, the police, the judicial system, other institutions, the municipal authorities and social services. During each mission the expert will identify the processes of expression and will attempt to define how to make them more effective (see Annex IV).

VI. CONCLUSIONS

100. The expert does not wish, at this stage, to draw conclusions with regard to the general terms of resolution 2000/12. She hopes that the questionnaires sent to Member States, NGOs and national human rights bodies will make it possible, starting at the beginning of 2001, to focus her work and thanks the Member States for their cooperation.

101. The methodology by which the poorest are consulted will be adapted to the real situation in each Member State and the structural or ethnic composition of the poor and their communities. It will be used to define recommendations on how to formulate the needs of poor communities and on the procedure to be used to evaluate effective implementation of their demands.

102. The expert will pursue the interactive dialogue with the IMF (see section IV) and the World Bank with regard to the incorporation of respect for human rights in their poverty reduction programmes (PRSP and PRGF).

103. The importance of the world alliance against poverty has been heavily underscored. Mobilization requires sustained action and comprehensive training, but also discernible moments of external mobilization aimed at public opinion as a whole. The expert recalls the importance of 17 October and the celebration of the International Day for the Eradication of Poverty. The recommendations drawn up by the independent expert should give great impetus to the development of that world day by recalling the permanent link between extreme poverty and all human rights in their indivisibility.

104. At a time when the international community, in the name of realism, is setting itself objectives such as reducing poverty, unemployment and illiteracy by half, it is incumbent on us to insist that the only valid objective in terms of human rights is comprehensive: all human rights for everyone.

105. The strategy proposed in the report can be broken down into four stages and aims to establish: (a) knowledge of their rights among the poor themselves; (b) training for the fight against poverty; (c) the harnessing of capacities to organize and to carry out a genuine campaign against the condition of poverty; and (d) the necessary mobilization (world alliance against poverty).

Notes

[1] Key Features of PRGF-Supported Programs (August 2000); Heavily Indebted Poor Countries (HIPC) Initiative and Poverty Reduction Strategy Papers (PRSP) (August 2000); Poverty Reduction Strategy Papers - Progress and Implementation (August 2000); Enhanced Initiative for Heavily Indebted Poor Countries - Review of Implementation (August 2000); the joint statement by Mr. Kohler and Mr. Wolfensohn "The IMF and the World Bank Group: an Enhanced Partnership for Sustainable Growth and Poverty Reduction" (5 September 2000). The IMF Survey, vol. 29:6 (20 March 2000), vol. 29:10 (22 May 2000), vol. 29:13 (3 July 2000) and IMF Survey Supplement, September 2000, which contain relevant articles on globalization, the Fund's social policy, debt strategy and strategy on military spending, as well as on the level of social and military spending in countries with Fund-supported programmes.

[2] Conclusions of the colloquium "Institutions financières: l'exception aux Droits de l'Homme", Brussels, Bruylant, 1999-1.

[3] L'éducation, victime de cinq pièges, Fides, October 2000.

Annex I

QUESTIONNAIRE FOR GOVERNMENTS

Human rights and extreme poverty

In 1998 the Commission on Human Rights decided to appoint Ms. Anne-Marie Lizin as independent expert on the question of human rights and extreme poverty. According to UNDP, extreme poverty, which is often called absolute poverty, is the situation of a person who lacks the income necessary to satisfy basic food needs (UNDP, Overcoming Human Poverty, 1999 and 2000). Since then the independent expert has been invited in successive Commission resolutions to evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, in particular by identifying good national and international practices. In resolution 2000/12 of 17 April 2000 the Commission also asked the independent expert to consider strategies to overcome extreme poverty and the social impact of those strategies; and to hold consultations, including during her visits, with the poorest people and the communities in which they live, on means of developing their capacity to express their views and to organize themselves and to involve national human rights bodies in that exercise (the resolution may be consulted on the Web site of the United Nations High Commissioner for Human Rights: http://www.unhchr.ch).

By means of this questionnaire, the independent expert hopes to incorporate into her analysis the views and experience-based data collected from the main parties concerned with the eradication of extreme poverty, namely Governments, national human rights bodies and non-governmental organizations working in the field of economic, social and cultural rights.

We should be grateful if you would send your reply to the United Nations High Commissioner for Human Rights, Research and Right to Development Branch (Palais Wilson, 52, rue des Pâquis, 1201 Geneva; fax: 00 41 22 917 90 10), by 31 January 2001 at the latest.

1. Does your country have a plan of action, a programme, or a strategy to overcome poverty? When was it adopted? When was it launched?

2. Does the plan of action, programme or strategy deal with each of the following issues separately: food, housing, education, health, ownership of land assets and the environment?

3. Please provide specific examples of the objectives for each issue.

4. Does your strategy or national programme to overcome poverty provide for support measures for certain specific groups such as low-income families, single mothers, the handicapped, girls, orphans, the elderly, widows, ethnic, religious or linguistic minorities, indigenous groups, etc?

5. Did local community representatives help draw up the national plan of action to overcome poverty and do they participate in its implementation? To what extent? With what budget? Do the local authorities receive some of the national/international funds? What proportion?

6. What means have been used to evaluate progress towards the Government's objectives with regard to overcoming poverty in each of the above-mentioned areas?

7. What are the chief obstacles/difficulties to fulfilment of the plan's objectives?

8. What have been the greatest successes observed to date in implementation of the plan of action?

9. At the local level (towns), are there any institutions in charge of overcoming extreme poverty? What proportion of locally-elected officials come from very poor backgrounds in your country? How is contact with non-governmental organizations organized at the local level?

10. What are the relations of the Government with the main NGOs concerned with the problem of extreme poverty and human rights with regard to financing, representation and coordination meetings on the country's territory? How often is contact made with NGOs?

11. Does the police force have access to social workers or prevention services? Does it have contact with associations defending the rights of the very poor? Do police officers receive specific training in this field?

12. Is school attendance encouraged, in particular among girls from poor families? What concrete measures have been adopted for the coming five years in favour of children from very poor backgrounds?

13. Does the civil registration service function properly? What is the estimated number of undeclared people on the national territory? Do they belong to the category of very poor people?

14. How much did your Government allocate in 1999 and 2000 to overcoming poverty? How much did your Government receive in 1999 and 2000 from UNICEF, UNDP, WHO? How much do you think the NGOs operating on the national territory received from those three organizations? Who runs programmes to overcome extreme poverty?

15. How are poor communities associated in the struggle against poverty: drawing up or conception of programmes, budget allocation, etc?

16. With regard to the latter point (budget allocation), do poor communities take part in drawing up budgets to overcome poverty and budgets for other policies? Do they also help establish priorities with regard to very poor people, by zone, by ethnic group, etc?

Annex II

QUESTIONNAIRE FOR NATIONAL HUMAN RIGHTS BODIES

Human rights and extreme poverty

In 1998 the Commission on Human Rights decided to appoint Ms. Anne-Marie Lizin as independent expert on the question of human rights and extreme poverty. According to UNDP, extreme poverty, which is often called absolute poverty, is the situation of a person who lacks the income necessary to satisfy basic food needs (UNDP, Overcoming Human Poverty, 1999 and 2000). Since then the independent expert has been invited in successive Commission resolutions to evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, in particular by identifying good national and international practices. In resolution 2000/12 of 17 April 2000 the Commission also asked the independent expert to consider strategies to overcome extreme poverty and the social impact of those strategies; and to hold consultations, including during her visits, with the poorest people and the communities in which they live, on means of developing their capacity to express their views and to organize themselves and to involve national human rights bodies in that exercise (the resolution may be consulted on the Web site of the United Nations High Commissioner for Human Rights: http://www.unhchr.ch).

By means of this questionnaire, the independent expert hopes to incorporate into her analysis the views and experience-based data collected from the main parties concerned by the eradication of extreme poverty, namely the Governments, national human rights bodies and non-governmental organizations working in the field of economic, social and cultural rights.

We should be grateful if you would send your reply to the United Nations High Commissioner for Human Rights, Research and Right to Development Branch (Palais Wilson, 52, rue des Pâquis, 1201 Geneva; fax: 00 41 22 917 90 10), by 31 January 2001 at the latest.

1. Are poor communities represented in your institution?

2. What possibilities does your institution afford to people living in extreme poverty, or to their representatives, of taking part in the decision-making process?

3. Does your institution play a specific role in the promotion and protection of economic, social and cultural rights and, in particular, in the struggle against poverty?

4. Can you give concrete examples with regard to food, housing, health, education, the environment and land ownership?

5. Have you launched an information or public awareness campaign with a view to the eradication of poverty? If so, how is your institution implementing it? Please give examples.

6. In that respect, how does your institution fulfil its consultative and assistance role in the framework of the policies to overcome poverty implemented by the Government?

7. What are your relations with those in charge of enforcing the law and the security forces in matters relating to the communities living in poverty in your country? Please give examples.

8. How is justice administered, from your point of view, with regard to the extremely poor sectors of the population?

(a) What possibilities are there for the poor to have access to the machinery of justice?

(b) What are the obstacles impeding access by the poor to the machinery of justice?

(c) Is there a mechanism (for example, positive action, financial assistance, legal aid) enabling the poor to have access to the machinery of justice?

(d) How do you help the poor to obtain access to the machinery of justice?

9. Are you in contact with parliamentarians, community organizations and NGOs about the fundamental rights of people living in extreme poverty?

(a) What is the nature of those contacts/that cooperation?

(b) What are the results?

10. How would you evaluate your institution's action to improve the situation of very poor people and to give them the possibility of expressing themselves:

(a) Very effective (.....)

(b) Effective (.....)

(c) Relatively effective (.....)

(d) Ineffective (.....)

11. Does your country have any examples of good practices or successful experiences in the alleviation of poverty that you wish to share with other countries?

12. How do you envisage a widening of your responsibilities as a national human rights body working to overcome extreme poverty? Do you anticipate any progress in this respect in the medium and long term?

Annex III

QUESTIONNAIRE FOR NON-GOVERNMENTAL ORGANIZATIONS

Human rights and extreme poverty

In 1998 the Commission on Human Rights decided to appoint Ms. Anne-Marie Lizin as independent expert on the question of human rights and extreme poverty. According to UNDP, extreme poverty, which is often called absolute poverty, is the situation of a person who lacks the income necessary to satisfy basic food needs (UNDP, Overcoming Human Poverty, 1999 and 2000). Since then the independent expert has been invited in successive Commission resolutions to evaluate the relationship between the promotion and protection of human rights and the eradication of extreme poverty, in particular by identifying good national and international practices. In resolution 2000/12 of 17 April 2000 the Commission also asked the independent expert to consider strategies to overcome extreme poverty and the social impact of those strategies; and to hold consultations, including during her visits, with the poorest people and the communities in which they live, on means of developing their capacity to express their views and to organize themselves and to involve national human rights bodies in that exercise (the resolution may be consulted on the Web site of the United Nations High Commissioner for Human Rights: http://www.unhchr.ch).

By means of this questionnaire, the independent expert hopes to incorporate into her analysis the views and experience-based data collected from the main parties concerned by the eradication of extreme poverty, namely the Governments, national human rights bodies and non-governmental organizations working in the field of economic, social and cultural rights.

NGOs whose work focuses on food, housing, education, health, ownership of land or assets or on poverty and environmental concerns are kindly requested to provide, when responding to the questionnaire, details on their fields of specialization, in particular with regard to the last item.

We should be grateful if you would send your reply to the United Nations High Commissioner for Human Rights, Research and Right to Development Branch (Palais Wilson, 52, rue des Pâquis, 1201 Geneva, Fax: 00 41 22 917 90 10), by 31 January 2001 at the latest.

1. How would you describe the relationship between the State (the States) and your NGO? Does the State contribute to the development of the various components of civil society, including NGOs?

2. How are the needs of extremely poor people established? Please give details by country, in the light of your organization's experience.

3. How is your executive board made up? Are very poor people represented in your NGO?

4. What are the characteristics of the poor people you help? Are they citizens of the country concerned, handicapped people, members of ethnic groups, foreigners? Please describe your NGO's interlocutors in detail.

5. On the basis of what criteria are groups/sectors selected to receive help?

6. How do the poor express their needs to your NGO? How do they express their needs to the local authorities? How do the poorest women express themselves? Are they members of groups, do they have channels through which to express their views specifically as women?

7. In what form does aid reach the poorest people? Please indicate the amounts received in 1999 and 2000 from the State (States), UNDP, UNICEF, WHO.

8. What policy/policies have been implemented to associate the poor in the decision-making process in your institution?

9. Are you in contact with the local authorities? Which authorities and at what times? Are you organized locally? Since when?

10. Is the attitude of the police, the armed forces towards you hostile? On what occasions?

11. What are your contacts with the education authorities? Do you have specific activities to promote school attendance by girls?

12. In your view, what should be the objectives of an effective local, national, regional and international strategy to promote and protect the fundamental rights of very poor people:

(a) Education?

(b) Health?

(c) Housing?

(d) Food?

(e) The acquisition and conservation of land, assets and a home?

(f) A healthy and safe environment?

Annex IV

QUESTIONNAIRE USED BY THE INDEPENDENT EXPERT DURING HER INTERVIEWS WITH THE POOREST PEOPLE

How much does the interviewee think he/she needs to "survive"?

Daily ..... Weekly ..... Monthly .....

What is his/her income?

Daily ..... Weekly ..... Monthly .....

What is the source of the income?

Institution - church - family - friends - work - begging - other

.....

How many people are there in the family?

..... including ..... children

Do the children attend school? Yes - No

Does the interviewee have a job? Yes - No

Is the interviewee the family's sole breadwinner? Yes - No

If not, what other sources of income does the household have?

What are the priority uses of that income? Housing

Food

Medical care

Family

Other

Who does the interviewee speak to during the week?

Institution - church - family - friends - groups - schools - other

Is he a member of a group? A trade union? A political group? Yes - No

What does he eat?

Where are the meals obtained?

Institution - church - family - friends - work - begging - orphanage - school - groups

Other means? .....

Can he read?	Yes - No
Does he read?	Yes - No

Where does he live?/Where does he sleep?

Institution - church - family - friends - work - school - groups - at home - in the street

How often can he wash?	Per day .....
	Per week .....
	Per month .....
Is he ever insulted, ill-treated?	Yes - No
By whom?	The police
	The family
	Other poor people
	People in the street
	Other people
Has he any means of defence?	Yes - No
Is he in contact with a public service?	... times per day
	... times per week
	... times per month
	Never
Is he in contact with the police?	Yes - No

If so, how many times:	Per day …..
	Per week …..
	Per month …..
Has he ever been in prison?	Yes - No
Does he go to the hospital?	Yes - No
Who pays his medical expenses?	Medical care free of charge
	His family
	Friends
	His income
	Other
Does he go to the mosque?	Yes - No
Attend school?	Yes - No
Attend church?	Yes - No
Attend a temple?	Yes - No
Go elsewhere?	Yes - No
Does he have a friend? Friends?	Yes - No
Do his friends help him find:	
food?	Yes - No
housing?	Yes - No
the means of subsistence?	Yes - No
Who is he?	Man
	Woman
	Child

How old is he? Under 10

10 to 20

30 to 50

Over 50

Questionnaire completed on .....

In .....

Country .....

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NATIONS

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Fifty-seventh session
Agenda item 10

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Human rights and extreme poverty

Report submitted by Mrs. A.-M. Lizin, independent expert, pursuant to Commission resolution 2000/12

Corrigendum

Para. 9, table

In the heading of the second column For literacy rate read illiteracy rate

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Fifty-seventh session
Agenda item 10

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Report of the Expert Seminar on Human Rights and Extreme Poverty, 7-10 February 2001

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GE.01-12025 (E)

INTRODUCTION

1. At its fifty-sixth session, in its resolution 2000/12 entitled "Human rights and extreme poverty", the Commission on Human Rights requested the Office of the High Commissioner for Human Rights (OHCHR) to organize, before the fifty-seventh session of the Commission, a seminar to consider the need to develop a draft declaration on extreme poverty and, if appropriate, to identify its specific points.

2. Pursuant to this resolution, OHCHR invited government representatives and experts of the United Nations specialized agencies, the United Nations funds and programmes, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, the international financial institutions, the Sub-Commission on the Promotion and Protection of Human Rights and interested non-governmental organizations to a seminar in Geneva from 7 to 9 February 2001.

3. The list of participants is contained in the annex to the present report.

4. Ambassador Thomas Hammarberg of Sweden served as chairman for the seminar. Prof. Vitit Muntarbhorn, Professor of Law, University of Chulalongkorn, Thailand, and Dr. Sigrun Skogly, Lecturer in Law, Lancaster University, United Kingdom, served as rapporteurs.

5. The seminar was organized on the basis of the following agenda:

1. Opening by a representative of OHCHR.

2. Remarks by the Chairperson of the fifty-sixth session of the Commission on Human Rights.

3. Statement by the Chairman.

4. Objectives and usefulness of a draft declaration.

5. The relationship between human rights and extreme poverty.

6. Elements to be included in a draft declaration.

7. Concluding observations by the Rapporteur.

8. Closure of the seminar by the High Commissioner for Human Rights.

6. Following the introductory remarks by the representative of OHCHR and the Chairperson of the fifty-sixth session of the Commission on Human Rights, the Chairman drew attention to the Millennium Declaration in which the General Assembly pledged: "We will spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected. We are

committed to making the right to development a reality for everyone and to freeing the entire human race from want."[1] He noted that for the first time, heads of State had recognized explicitly the integral link between the realization of the right to development and poverty reduction.

I. GENERAL OBSERVATIONS ON HUMAN RIGHTS AND POVERTY/EXTREME POVERTY

7. In the discussion that followed, participants made reference to the link between poverty/extreme poverty and human rights. In particular it was noted that little attention had been given to poverty from the point of view of human rights and that, in spite of the progress made over 50 years to develop a human rights framework, there was still no express link between the two. The Universal Declaration of Human Rights and the two International Covenants on Human Rights make preambular reference to freedom from want and the human rights treaties provided for the right to an adequate standard of living, including adequate food, clothing and housing. But the term "poverty" was not used in any of the major texts - neither in the Universal Declaration, nor in the six main human rights treaties, nor in the Declaration on the Right to Development. It was noted that denial of adequate health care, education, equality, shelter, etc., impeded access to civil and political rights which in turn prevented individuals from claiming their economic, social and cultural rights.

8. Participants noted that poverty eradication was a moral, ethical and political imperative, and that the violation of the human dignity of people living in poverty demanded special attention. Poverty should also be recognized as an expression of social exclusion. It often represented a vicious circle, in which women were particularly vulnerable. It was held that structural elements of poverty related to every right in the International Covenant on Economic, Social and Cultural Rights, as well as to civil and political rights.

9. It was pointed out that the Secretary-General had called for the integration of human rights into all the programmes and work of the United Nations, including programmes of poverty alleviation. The United Nations family was increasingly addressing poverty through a rights-based approach. Such approach was not included in the United Nations Strategy for Halving Extreme Poverty by 2015 and its Options for Action, which were presented to participants. It was noted that a rights-based approach to poverty was explicitly referred to in the plan of action attached to the strategy, which advocated a concept of poverty that was "interlinked with fundamental human rights", and which stressed the usefulness of human rights conventions and treaties as a reference for discussing and addressing poverty issues, the progressive realization of human rights and the promotion of awareness among the poor of their rights and entitlements.

10. The rights-based approach was seen as integral to the process of linking development to the alleviation of poverty. The rights-based approach was complementary to the development-based approach to poverty eradication, and there was a call for the United Nations agencies to identify and respond to the obstacles to a rights-based approach in their poverty eradication efforts.

11. The participants emphasized that a rights-based approach to poverty alleviation would imply an emphasis on good governance, good leadership and empowerment of ordinary people. It was recognized and emphasized that obstacles to the alleviation of poverty were both of a national and international nature, and that there needed to be political will at all levels of government, including the international level. Many participants shared the view that, in the context of globalization, in addition to States, other actors including private and public international actors, should be accountable in terms of human rights. It was recognized that the extremely poor were excluded from the economy and that there was a need to expand space for those living in poverty in all areas of the economy and in political, social and cultural life. Some participants articulated the need to look not only to economic growth, but also to how it was shared. It was also noted that debt relief needed to be carried forward and that funds released should be used for poverty alleviation.

12. The participants agreed that there was a need for systematic stocktaking of how human rights principles applied to those in poverty; that entailed a stocktaking of existing commitments concerning poverty/extreme poverty and promoting their effective implementation. In addition to the adoption of various human rights instruments since the founding of the United Nations, in the past decade a number of targets have been agreed upon to tackle poverty. Most recently in the Millennium Declaration, the world community had committed itself to eradicate poverty, with a target of halving those whose income was less than US$ 1 a day by the year 2015. The need now was not for new norms or principles, but to clarify existing standards and interpret them in relation to poverty.

13. The link between rights-based and development-based approaches was raised. The question was often asked whether the rights-based approach, based upon entitlements, or the development-based approach, based upon capabilities, should be followed. Participants recognized their complementarity and that they were two sides of the same coin and needed to be promoted concurrently.

14. The challenge of globalization had a positive side, but participants agreed that there were major concerns surrounding its negative impact. In some instances, trade liberalization and moves towards a market economy had compounded the plight of marginalized groups, which were unable to compete economically, particularly in the absence of adequate safety nets. There was also a need to promote initiatives accessible to the poor, including the nurturing of self-reliance, to build on the resourcefulness of people living in poverty and to ensure their empowerment to deal with their own situation.

II. THE NEED FOR A TEXT ON HUMAN RIGHTS AND POVERTY/EXTREME POVERTY

15. The participants noted the consensus of the 1999 meeting of experts of the Sub-Commission, which had recommended that a declaration on human rights and extreme poverty be drafted.[2] The participants in the seminar discussed whether there was a need for a new text on human rights and poverty/extreme poverty. The majority of them were in favour of a new document

16. The seminar discussed the possible forms of such a text. The following suggestions were made: a declaration, guiding principles or a declaration of guiding principles. Without making a firm commitment to any specific form of text, the majority of the participants were clearly in favour of the drafting of a document that addressed the clear links between human rights and poverty. There were calls for ensuring that it would be a participatory process in which representatives of the poor themselves played an integral part.

III. A TEXT ON HUMAN RIGHTS AND POVERTY/EXTREME POVERTY

Definition

17. The need for a simple definition of poverty/extreme poverty was noted by participants and a number of definitions were suggested. Although there was no internationally agreed definition, many participants took into account the definitions in current usage, including by United Nations agencies, and the need to define extreme poverty from the viewpoint of human rights, as a denial of human rights and human dignity, and deprivation of basic capabilities.

18. It was emphazised that poverty was more than a lack of income. Poverty did not refer only to material or economic deprivation, but also to other forms of ill-being, including powerless, voicelessness and experiencing shame, humiliation and exclusion in the political, social, and cultural domains.

Conceptual and normative issues

19. It was recognized that the normative framework necessary to address poverty through a rights-based approach already existed in the Universal Declaration of Human Rights, the two International Covenants, the Declaration on the Right to Development and other instruments, even though the term poverty was not used. A new text should build on those existing norms by applying them to specific aspects of poverty and the experiences of the poor, and reconfirm the interdependence and indivisibility of rights in relation to poverty eradication. The "Voices of the Poor" study,[3] which was based on interviews with 60,000 poor women and men from around the world, served as a basis for discussion on the interrelatedness of all rights. On the basis of the outcome of that study, it was recognized that poverty had both material and psychological dimensions which related to the full spectrum of human rights.

20. More concretely, it was noted that poor people experienced violations of a large range of rights, all of which would - if they were respected or fulfilled - contribute to moving them out of poverty. Part of the problem was identified as a lack of respect for the right to an adequate standard of living,[4] which made it more difficult for those living in poverty to take advantage of services that are being provided, or to benefit from development projects aimed at improving their situation.[5] In that sense, poverty is a structural problem, which cannot be solved without respect for human rights. The ability to exercise one's right to food, housing, clothing, medical care and education, through the exercise of the rights to participation, expression and other civil and political rights, is vital for the development of the individual and for society to eradicate poverty. All of these rights are already part of the normative framework of international human rights law, but need to be given focus in relation to poor people.

21. The participants agreed that poor people experienced low nutritional standards, lack of access to education and to housing, lack of adequate medical treatment, restrictions on their freedom of movement, etc. In order to remedy the situation, core human rights needed to be ensured. A comprehensive approach was required for that, an approach which was to be found both in the Universal Declaration and in the Declaration on the Right to Development.

22. Participants agreed that a new text should identify poor people as vulnerable group and pay specific attention to the feminization of poverty. Referring to major recent studies,[6] participants emphasized that women living in poverty suffer systemic and systematic discrimination and abuse. A new text should also highlight the multidimensional nature of poverty, its causes and consequences, and encapsulate existing norms interlinking human rights and poverty/extreme poverty. Participants felt such a text should underline the need to develop economic and political infrastructures that took human rights into account and that built on the qualitative criteria contained in existing human rights instruments.

23. It was emphasized that a new text would not create additional State obligations, but re-emphasize existing obligations and that a comprehensive approach to the rights of the poor would reinforce those already established obligations. A new text should thus add value to existing commitments and complement them. In that context, special attention was paid to the consensus that had emerged at the Social Summit in Copenhagen and more recently at the Millennium Assembly, which recognized the strong link between the realization of all human rights, including the right to development and poverty alleviation. A new text should be consistent with such an emerging consensus and would serve as a tool for advocacy for the international community to fulfil the existing commitments and goals for eradicating poverty, including in relation to private actors.

Operational issues

24. Participants unanimously stressed the need to respond to poverty in concrete terms, in particular in terms of accessibility, vulnerability and affordability.

25. The text should emphasize the need for participation by the poor in decision-making, and to build capacity for poor people to participate in society and governance. That would imply a need to work with people and to mobilize the poor themselves.

26. It was also seen as essential that a new text should not create new monitoring systems, but be a valuable addition to the existing monitoring systems. All actors involved in human rights monitoring and supervision should apply it.

27. Participants agreed that the text should include a "check-list" for people working in development assistance, to ensure a rights-based approach to poverty alleviation. It could cover issues such as the need for poverty alleviation guidelines at the national level, and for rights-based approaches to health care, family planning, housing policies, labour market interventions, social services, etc.

IV. STAKEHOLDERS AND ACTORS

28. It was clearly recognized that the main stakeholders were the poor themselves, and in that regard, the poor should be seen as the "central subject of the development process",[7] and participants in it. However, it was emphasized that a new text should be seen as a tool for a large variety of actors involved in poverty alleviation, general development activities and commercial activities affecting the lives of the poor. Therefore the participants saw such a text as being relevant for States, local authorities and municipal actors, international and national development agencies, international financial institutions, United Nations agencies, non-governmental organizations and community based organizations.

29. The High Commissioner of Human Rights, closing the seminar, emphasized the need to make the links between human rights and poverty explicit, so that human rights principles would be used both by the poor to know and claim their rights, and by the international community to provide special protection to those in extreme poverty. The High Commissioner stressed that human rights were crucial to poverty eradication because they set standards for the conduct of all actors, with a framework of accountability.

V. CONCLUSIONS AND RECOMMENDATIONS

30. The Expert Seminar on Human Rights and Extreme Poverty identified the need for new guiding principles, which would build on existing human rights norms and standards in a manner that explicitly addressed the phenomenon of extreme poverty, that clarified definitional issues within the framework of human rights and that set forth relevant operational and policy guidelines.

31. Participants emphasized that, in addition to reflecting the existing human rights instruments, new guiding principles need to draw from and build on the outcomes of the world conferences held in the past 10 years, and in particular the clear commitments contained in the Copenhagen Declaration and in the Millennium Declaration.

32. The participants expressed their opinion that a human-rights-based approach to poverty eradication was an integral part of a human rights-based approach to development and that the guiding principles would add considerable value as an interpretative instrument both for development work generally and poverty eradication more specifically.

33. Participants in the Expert Seminar on Human Rights and Extreme Poverty expressed their hope that the Commission on Human Rights would request the High Commissioner for Human Rights to consider in more detail the elements to be included in such guiding principles.

Notes

[1] General Assembly resolution 55/2 of 8 September 2000, para. 11.

[2] See Report of the Workshop on Human Rights and Extreme Poverty, Geneva, 30-31 August 1999 (E/CN.4/2000/52/Add.1).

[3] World Bank, Voices of the Poor, vols. I and II, 2000.

[4] International Covenant on Economic, Social and Cultural Rights, article 11.

[5] Final report on human rights and extreme poverty, submitted by the Special Rapporteur Mr. Leandro Despouy, E/CN.4/Sub.2/1996/13, 28 June 1996, para. 125.

[6] For example, World Bank, Voices of the Poor, op. cit.

[7] Preamble to the Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986.

Annex

LIST OF PARTICIPANTS

CHAIRMAN: Mr. Thomas Hammarberg, Ambassador, Sweden;

RAPPORTEURS: Mr. Vitit Muntarbhorn, Professor of Law, Chulalongkorn University, Thailand;

Mr. Sigrun Skogly, Lecturer in Law, University of Lancaster, United Kingdom;

Mr. Chaloka Beyani, Senior Lecturer in International Law, London School of Economics, United Kingdom;

Mr. Roberto Bissio, Social Watch;

Mr. Stephen Browne, Director, Social Development and Poverty Elimination Division, UNDP, and Chair of the United Nations Development Group on Poverty;

Mr. Mohand Cherifi, Coordinator, World Alliance of Cities Against Poverty (WACAP), UNDP;

Ms. Virginia Dandan, Chairperson of the Committee on Economic, Social and Cultural Rights;

Mr. Emmanuel Decaux, Professor of Law, Paris X, France;

Mr. Asbjørn Eide, Professor of Law, Member of the Sub-Commission on the Promotion and Protection of Human Rights, Chair of the Working Group on Minorities;

Ms. Tricia Feeney, OXFAM;

Mr. Charles Gore, Senior Economic Affairs Officer, leader of the LDCs report team, UNCTAD;

Ms. Gloria Kan, Chief, Intergovernmental Policy Branch/Division for Social Policy Development DESA;

Mr. Dorjee Kinlay, Economist, ESAF (Food Security and Agricultural Projects Analysis Service), Economic and Social Department, FAO;

Mr. Miloon Kothari, Special Rapporteur on the right to adequate Housing of the Commission on Human Rights, Habitat International Coalition, Housing and Land Rights Committee;

Ms. Anne-Marie Lizin, independent expert on human rights and extreme poverty of the Commission on Human Rights;

Mr. Ahmed Mahiou, Professor of Law, Aix-en-Provence, France;

Ms. Deepa Narayan, Principal Social Development Specialist, Poverty Division, Poverty and Economic Management Department, leader of the *Voices of the Poor* study, World Bank;

Ms. Shahra Razavi, Coordinator, Gender, Poverty and Well-being, UNRISD;

Mr. Ton Redegeld, ATD Quart Monde;

Mr. Eibe Riedel, Professor of Law, Mannheim, Germany; Member of the Committee on Economic, Social and Cultural Rights;

Mr. Rolph van der Hoeven, Head, Macro-economic and Development Policy Group, ILO;

Ms. Natalia Zakharova, Division for the Advancement of Women DESA;

The Governments of the following countries were represented at the expert seminar: Australia, Belgium, Brazil, Canada, China, Côte d'Ivoire, Ecuador, Egypt, France, Germany, Holy See, India, Israel, Italy, Japan, Latvia, Madagascar, Morocco, Mexico, Nepal, New Zealand, Pakistan, Philippines, Poland, Portugal, Sudan, Sweden, Russian Federation, United Kingdom, United States of America, Venezuela, Zambia.

The following United Nations bodies and agencies were also represented at the seminar: the Centre for Human Settlements (Habitat), the Economic Commission for Africa, the Non-Governmental Liaison Service, the United Nations Children's Funds, the United Nations Development Programme, the United Nations Population Fund, the World Bank, the World Health Organization, UNAIDS.

Representatives of the following non-governmental organizations also attended the seminar: Interfaith, Baha'i, International Community, International Confederation of Free Trade Unions, International Federation of Human Rights.

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Fifty-seventh session
Agenda item 10

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Expert Seminar on Human Rights and Extreme Poverty

Corrigendum

Paragraph 9, second sentence

was not included should read was advocated

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